

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF NEW YORK

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3 MICHAEL McCALLION,

4 Plaintiff,

5

6 -vs- 9:22-CV-253

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8 C.O. MATTHEW MARRA, SGT. JOSEPH COFFEY,  
9 C.O. MARCUS HART, C.O. SHAWN BARBARITO,  
C.O. GORDON GRIFFITH, C.O. WEIDNER,  
and C.O. KREG JACKSON,

10 Defendants.

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12 DEPOSITION

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14 WITNESS: Joseph M. Coffey

15 DATE: Thursday, July 13th, 2023

16 START TIME: 11:15 a.m.  
17 END TIME: 1:53 p.m.

18 REMOTE LOCATION: Remote Legal Platform

19 REPORTER: Benjamin D. Knights

20 JOB No.: 17962

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## 1 FEDERAL STIPULATIONS

2

3 IT IS HEREBY STIPULATED AND AGREED by and  
4 between the attorneys for the respective parties that  
5 the presence of the Referee be waived;

6 IT IS FURTHER STIPULATED AND AGREED that the  
7 witness shall read and sign the minutes of the  
8 transcript within 30 days upon receipt, and that the  
9 filing of the transcript be waived;

10 IT IS FURTHER STIPULATED AND AGREED that all  
11 objections, except as to form, are reserved until the  
12 time of trial;

13 IT IS FURTHER STIPULATED AND AGREED that this  
14 Deposition may be utilized for all purposes as provided  
15 by the Federal Rules of Civil Procedure;

16 AND FURTHER STIPULATED AND AGREED that all  
17 rights provided to all parties by the Federal Rules of  
18 Civil Procedure shall not be deemed waived and the  
19 appropriate sections of the Federal Rules of Civil  
20 Procedure shall be controlling with respect thereto.

21

22

23

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25

## 1 REMOTE FEDERAL DEPOSITION STIPULATIONS

2 IT IS HEREBY STIPULATED, by and between the  
3 attorneys of record for all parties to the  
4 above-entitled action, that:

5 Pursuant to Rule 30(b) (4) of the Federal Rules of  
6 Civil Procedure, this deposition will be conducted by  
7 remote videoconference with a court reporter  
8 administering the oath remotely and creating an accurate  
9 written record; that, if necessary, the parties agree  
10 that each witness can be identified with picture  
11 identification;

12 No attorney, nor any party or witness, shall  
13 capture any still photographs, nor record, by video or  
14 audio, any part of these deposition proceedings;

15 Each attorney agrees to instruct their witness that  
16 there is to be no communication with anyone outside of  
17 the identified and participating group, by chat, text,  
18 e-mail or other means during the deposition;

19 There shall be no other person in the room with the  
20 witness during their deposition;

21 Any phone or electronic device in the room with a  
22 witness shall be identified and not read, referred to or  
23 otherwise used during the witness' deposition, unless  
24 agreed to by all counsel on the record.

25

1 THE REPORTER: Good Morning. We are  
2 now on the record. Today's date is  
3 July 13th, 2023, and the time is  
4 approximately 11:15 a.m. My name is  
5 Benjamin Knights, and I am the officer  
6 designated by Remote Legal, 381 Park  
7 Avenue South, New York, New York, to take  
8 the record of this proceeding.

4 Do all parties so stipulate?

5 MR. DORANDO: I stipulate on behalf  
6 of my client.

7 MR. BLACKMAN: I so stipulate.

10 MR. BLACKMAN: Yeah.

11 THE REPORTER: All appearances will  
12 be noted on the transcript. I will now  
13 swear in the witness.

16 MR. BLACKMAN: Okay. I missed part  
17 of it. So the witness was sworn in?

18 THE REPORTER: Yes.

19 EXAMINATION BY MR. BLACKMAN:

20 Q Good morning, Mr. Coffey. Is it Coffey?

21 A Coffey like the drink.

22 Q Good morning, Mr. Coffey.

23 A Good morning.

24 Q My name is Duane Blackman. I represent  
25 Mr. Michael McCallion in this matter. I'm going to be

1        asking you a series of questions involving an incident  
2        that occurred with Mr. McCallion at this Gouverneur  
3        Correctional Facility on October 28th, 2020. So first,  
4        I'd like to go over a few things with you so that we're  
5        on the same page; okay?

6                A        Sure.

7                Q        What I'd like you to do is answer my  
8        questions verbally. The court reporter can't transcribe  
9        nods of the head or "mm-hmm," that kind of stuff. So  
10        when you respond to my questions, please respond  
11        verbally, not with gestures and nonverbally. Is that  
12        understood?

13               A        Yes.

14               Q        Please do not start to answer my  
15        questions before I have finished because that way we  
16        won't be able to get a proper transcript. Similarly, I  
17        will wait until you have finished your answers before I  
18        begin to ask you another question if that's fine with  
19        you.

20               A        Yes.

21               Q        So let's try to avoid talking at the same  
22        time because the transcription will not be able to  
23        reflect two people talking at the same time.

24               A        Understood.

25               Q        If at any time you need to take a break,

1 let me know, and we can take a break as long as there is  
2 not a pending unanswered question. Is that okay with  
3 you?

4 A Yes.

5 Q Let me say this. To the extent I ask you  
6 a question that you don't understand, please let me  
7 know, and what I will do is I will either repeat the  
8 question to the extent you did not hear it properly, or  
9 I will seek to rephrase the question. Is that  
10 understood?

11 A Yes.

12 Q But once you've answered the question, it  
13 will be our understanding that you understood what's  
14 been asked of you because you answered it and you  
15 haven't asked me to repeat it or ask another question.

16 Is that understood?

17 A Yes.

18 Q And can you state your full name for the  
19 record including middle names?

20 A Joseph Maitland Coffey.

21 Q Have you ever been known by any other  
22 name?

23 A No, not really. Joe, Joe.

24 Q Okay. Are you on social media?

25 A Yes.

1 Q Do you have any --  
2 A I -- yeah. Oh, sorry. Go ahead.  
3 Q Do you have any handles that you go by on  
4 social media?

5 A I had my name. I spell it Joey Coffey,  
6 but I spell it J-O-H-O-E-E or something like that, and  
7 Coffey is with a K. We started getting -- families  
8 would say stuff to us and my wife and myself -- the  
9 harassment. So we advised everybody that were on social  
10 media to change their names so it wasn't so easy to  
11 attack us online.

12 Q So when you say we changed --  
13 A I'm saying my wife and I.  
14 Q Okay. So you're not talking about, like,  
15 from the Department of Corrections?

16 A I can't speak for anybody else, but I  
17 suggested it.

18 Q And what social media sites are you on?  
19 A Facebook. I'm really not good at any of  
20 them. The other one is Instagram. Yes. That's it.

21 Q Do you speak about work on your social  
22 media?

23 A No.

24 Q Have you ever spoken about work on your  
25 social media?

1                   A     Maybe. I'm not sure. I don't post a  
2     lot.

3                   Q     Are your fellow employees or workmates  
4     friends with you on social media?

5                   A     Yes, possibly.

6                   Q     Before today's deposition, have you or  
7     did you review any documentation?

8                   A     Yes.

9                   Q     What documents -- well, the documents  
10    that you reviewed, did you also either listen to anyone  
11    or look at anything to refresh your recollection?

12                  A     The photographs I took of the inmate and  
13    that was about it. Just two problems, it's been --  
14    well, almost two and a half years so. Yeah. Just what  
15    the DA sent me.

16                  Q     So just so that we're clear, you went  
17    over documents, and so if we're talking about documents,  
18    you said you went over some to-and-from memos; is that  
19    correct?

20                  A     Yes, yes. Use-of-force memos, my cover  
21    letter, and medical records, and photographs.

22                  Q     Okay. You said you went over the use of  
23    force?

24                  A     Yes. I looked at it. I reread it.

25                  Q     And did you -- what about the misbehavior

1 report? Did you take a look at that?

2 A Possibly. I probably did. I'm pretty  
3 sure I did, but, again, I couldn't tell you for sure. I  
4 looked at them all. They're all pretty redundant,  
5 basically the same story.

6 Q When did you first become aware of this  
7 lawsuit?

8 A Geez. I don't know. I was notified a  
9 while back that I was going to have this -- give this  
10 deposition, but it never occurred, so it's been a while.  
11 Probably -- I don't know exactly how long.

12 Q Would you say more or less than two  
13 years?

14 A No. Not that long. I would say probably  
15 a year, maybe. I'm guessing.

16 Q Okay. So you first became aware of this  
17 lawsuit about a year ago?

18 A Yes, I would say.

19 Q How did you first become aware of it?

20 A I believe the jail contacted me, and I  
21 haven't -- go in and read whatever the charges and  
22 stuff.

23 Q Okay. And you said the jail contacted  
24 you. Now, that was with respect to Mr. McCallion's  
25 grievance, or are you talking about -- I just want to be

1 clear you're talking about the pending lawsuit.

2 A I think the pending lawsuit. I don't  
3 think I ever saw the grievance. Maybe I did. I'm not  
4 sure. There are so many cases very similar. At the  
5 time we had like 11. Narcotics were getting crazy, and  
6 there was so much going on, and so anyway...

7 Q So with respect to the lawsuit, do you  
8 remember looking at that -- what's called a Complaint?  
9 Have you ever seen a Complaint in this matter?

10 A Yes. I think I did. I don't have it or  
11 anything. I think I looked at it, and then when I  
12 wasn't called two or three months ago I thought it was  
13 dismissed.

14 Q Are you aware of the other defendants in  
15 this lawsuit?

16 A I know Marra and Barbarito and  
17 probably -- I'm not sure. Maybe Hardy. I'm not sure.

18 Q You said Marra, Barbarito, and Hardy?

19 A Yes.

20 Q I'm sorry. Is that Hart or Harty?

21 A Hardy.

22 Q Can you spell that for me?

23 A H-A-R-D-Y.

24 Q Okay. Are you familiar with  
25 Mr. Gordon Griffith?

1 A Yes.

2 Q And what about Correction Officer  
3 Weidner?

4 A Weidner, I know who he is. I don't know  
5 if he was there that night. I didn't see him in any of  
6 the paperwork.

7 Q And about Kreg Jackson?

8 A Nope. I don't believe he was there  
9 either.

10 Q Okay.

11 A Like I say, their names show up on my  
12 paperwork that I just read.

13 Q I'd like to know just your relationship  
14 with some of these individuals you just named and how  
15 familiar you are with them. Correction Officer Marra,  
16 how familiar are you with him?

17 A He's a young officer that works C Block.  
18 He's relatively new to the department. I'm not sure how  
19 long he was in. Maybe five years, maybe. I'm not sure  
20 how long. Small in stature. Nice young man. Very  
21 professional. Always well kept. Neat. Conducts  
22 himself very professionally.

23 Q And would you consider yourself -- or  
24 would you consider him a friend or an acquaintance?

25 A An acquaintance.

1 Q What about Correction Officer Barbarito?  
2 A I know him. He's been around for quite a  
3 while. I think at that point he probably had close to  
4 18, 19 years on the job. I don't know how long he was  
5 at that prison, but I was familiar with him. I'd say an  
6 acquaintance.

7 Q Okay. What about Marcus Hart?

8 A Hardy, you mean?

9 Q Yes. Maybe. I believe I may have the  
10 name wrong.

11 A Maybe it's Hart. I don't know. Maybe I  
12 wrote it wrong. I'd have to look at it again. Anyways,  
13 I know who he is. Very little interaction with him.  
14 Seems like a decent officer.

15 Q Okay. So at some point you became aware  
16 that some of these individuals that you just named were  
17 defendants in this lawsuit; correct?

18 A Yes, yes.

19 Q And did you ever have a conversation with  
20 any of them about this lawsuit?

21 A No, not really. Not really. I think  
22 I -- no. I'd say no. I'm not sure but probably not  
23 because I resigned shortly after that. Was in, like,  
24 December I resigned.

25 Q So you never reached out to anyone like,

1       "Hey, what's going on with this?"

2                   A     Maybe -- because when I went to the  
3     prison to read what was going on, maybe there was an  
4     officer there at the time. I can't remember. I don't  
5     even know if it's one of those guys that I talked to  
6     because they were asking why I was there. Somebody was  
7     in the lobby.

8                   Q     Okay. With respect to this deposition,  
9     did you speak to anyone?

10                  A     No.

11                  Q     Did you meet with your attorney regarding  
12    the deposition beforehand?

13                  A     We talked on the phone.

14                  Q     How many times?

15                  A     A few times. I think maybe two or three  
16    times.

17                  Q     When was the first time?

18                  A     Geez.

19                  MR. DORANDO: Objection. You can  
20    answer.

21                  A     I'm not really sure. It was a while ago.

22                  Q     Would you say more or less than a year?

23                  A     A year or less, and then recently.

24                  Q     Okay. So that's two. What about the  
25    third time?

1 A Just I think it was yesterday.

2 Q Okay. So three times including  
3 yesterday?

4 A Yeah.

5 Q First time, how long did you speak for?

6 A Not very long.

7 MR. DORANDO: Objection again. You  
8 can answer, sorry.

9 A Not very long. A few minutes. Just give  
10 me -- told me what was happening and if I could come  
11 down and testify or if I could do it over the internet  
12 so that was it.

13 Q What about the second time? How long was  
14 that?

15 A About the same.

16 Q And the third time?

17 A Probably the third time -- maybe -- I'm  
18 going to guess and say maybe four minutes, maybe.

19 Q Other than your attorney, was anyone else  
20 present on the calls?

21 A No.

22 Q Today have you taken any prescription or  
23 over-the-counter drugs or other drugs in the last 24  
24 hours? I said "today." I meant over the last 24 hours.

25 A No.

1 Q Were you supposed to take any  
2 prescription medication or drugs over the last 24 hours  
3 and not take it?

4 A Well, I'll -- I've got to change that. I  
5 took my medications. I'm on blood thinner right now and  
6 some cholesterol medicine. That's it. And some  
7 vitamins.

8 Q Okay. Will any of those medications  
9 affect your ability to testify today fully and honestly?

10 A No. I'm fine.

11 Q Okay. Thank you. I just heard you say  
12 before that you resigned; is that correct?

13 A Yes. I was -- I was working on my 32nd  
14 year or so. I was looking to get Article 15, which  
15 gives me more retirement, and I had another job lined  
16 up, and then I retired from there probably three months  
17 later.

18 Q So are you currently working?

19 A No. I'm retired.

20 Q So you didn't go back? You just retired,  
21 and that's it?

22 A No. I was done. Yeah.

23 Q When you retired, what was your job  
24 title?

25 A I was a housing sergeant.

1 Q And when you -- housing sergeant when you  
2 retired. How long had you been with the OC before you  
3 retired?

4 A A little over 31 years. I was working on  
5 my 32nd year when I left.

6 Q What did you do before becoming a  
7 corrections officer?

8 A I worked in a quarry, mining.

9 Q And right after that, you went on to  
10 become a corrections officer?

11 A Right from there.

12 Q Can you tell me a little about what you  
13 had to do to become a corrections officer?

14 A Well, you had your training. You go  
15 through the academy. Take a test. That's about it.

16 Q So you went to the training academy,  
17 graduated --

18 A Yes.

19 Q -- and about what year was that?

20 A In '89.

21 Q '89. All right. And it's a 32 -- about  
22 32-year career. So I don't want every -- I mean, give  
23 me the highlights. Run through your assignments from  
24 graduation up until retirement or resignation.

25 A What do you mean? Where I worked or what

1 I did?

2 Q Yes, meaning what facilities were you  
3 assigned to?

4 A Oh, okay. Bedford Hills, Fishkill, Cape  
5 Vincent, Riverview, Gouverneur, Southport. I guess  
6 that's it.

7 Q And where were you last working?

8 A Gouverneur.

9 Q And how long had you been working at  
10 Gouverneur before retiring?

11 A I did the majority of my retirement --

12 Q I'm sorry, can you say that again?

13 A I did my majority of my career at  
14 Gouverneur as an officer and a sergeant.

15 Q And about how many years was that?

16 A I'd say 29 years, probably.

17 Q So when do you, if you could -- I'm bad  
18 at math, but if you could do the math for me, when did  
19 you first start at Gouverneur?

20 A I started in -- when it just opened.

21 There were no inmates there. They were just coming in  
22 in '89, early '90 maybe. Late '90, I think it was, but  
23 it was in '90.

24 Q And then you came in I'm assuming as a  
25 corrections officer?

1 A Yes.

2 Q And at some point you became a sergeant?

3 A Yes.

4 Q And what did you have to do to become a  
5 sergeant?

6 A Took a test. Go to sergeant school.

7 Went to Southport. Did some time there and came to  
8 Gouverneur.

9 Q How many times did you take the test?

10 A Corrections test or sergeant's exam? I  
11 think I've taken it three times, and I scored higher the  
12 last -- the time before this, but I just didn't want to  
13 go. I almost didn't go this time. I really didn't care  
14 for the position. It was just too much. I just liked  
15 doing what I was doing, but the money spoke to me. The  
16 guys broke it down to me. This is how much more money I  
17 could retire with. So I did it. But even then, I  
18 wasn't crazy about it.

19 Q Okay. So third time you took the test  
20 and --

21 A I took it. I took the promotion.

22 Q And when you became sergeant, about what  
23 year was it?

24 A '16.

25 Q 2016 you said?

1 A Yes, I believe so.

2 Q During your tenure with DOCCS had you  
3 ever faced any kind of disciplinary proceeding or court  
4 proceeding pertaining to your employment or scope of  
5 duties?

6 MR. DORANDO: I'm going to object to  
7 that, and the Court's already ruled that  
8 Mr. Coffey does not have a relevant  
9 disciplinary history.

10 MR. BLACKMAN: I guess the question  
11 is aimed at to the extent anything was  
12 missed. This is just a catch-all to  
13 cover it all. So to the extent  
14 nothing -- I mean, if you want to limit  
15 the scope of the questioning, I'm --  
16 anything to do with excessive force,  
17 credibility veracity, false charges, I  
18 can limit it that way if --

19 MR. DORANDO: Yes. That's fine.

20 You can ask that.

21 EXAMINATION BY MR. BLACKMAN:

22 Q Mr. Coffey, did you understand? I said a  
23 whole lot. Did you understand what I just said?

24 A Could you repeat it, please?

25 Q Sure. So I'm asking you about your

1       tenure as a corrections officer, and I'm asking you  
2       whether you were ever -- had faced disciplinary  
3       proceeding or court proceeding pertaining to your  
4       employment, but I'm limiting that question to meaning  
5       have you ever been accused of, let's say, excessive  
6       force, false charges, fabrication of evidence, or  
7       perjury lying?

8                   A       No.

9                   Q       Anyone under your charge ever been  
10       accused of any of those things?

11                  A       Well, I have no idea. That's a lot of  
12       people, so I don't know. I have no way of answering  
13       that.

14                  Q       Let me ask you this. You said you were  
15       at Gouverneur since 2016; is that correct?

16                  A       I've been at Gouverneur since '90, but I  
17       left as a sergeant -- yes, there's other -- go ahead.  
18       I'm sorry.

19                  Q       As a sergeant at Gouverneur since 2016,  
20       I'm assuming that you had a certain corrections officer  
21       under your charge?

22                  A       Yes, I have.

23                  Q       And so we're limiting that now in scope  
24       from 2016 to whenever you retired. During that time  
25       period was anyone under your charge ever the target of

1 disciplinary procedures, court procedures related to  
2 those things I mentioned to you, meaning excessive  
3 force, false accusations, fabrication of evidence,  
4 perjury, lying?

5 A I don't think so.

6 Q You don't think so or --

7 A I couldn't give you -- I wouldn't know,  
8 but as far as I know, no.

9 Q So you were never called to testify or  
10 speak at a hearing or a court proceeding?

11 A Oh, I have, but it was nothing to do with  
12 this. I was in a riot in '95. I gave a lot of  
13 testimony.

14 Q You mentioned from 2016 to 2023 you were  
15 sergeant, so fair to say that on October 28th, 2020, you  
16 were a sergeant at Gouverneur?

17 A Yes, sir.

18 Q And at that particular time, and I'm  
19 referring to October 20th, 2020, were you assigned to a  
20 particular area of this facility?

21 A Yes. The housing. I was a housing  
22 sergeant.

23 Q And how long about at that time had you  
24 been a housing sergeant?

25 A I don't know. A couple of years. I'm

1       guessing a few years.

2                   Q     So in 2016 you became a sergeant.  Are  
3     you first -- when you become a housing sergeant -- I'm  
4     sorry.  When you become a sergeant, are you first a  
5     housing sergeant, or are you something else?

6                   A     You're like -- I was sent away to make  
7     sergeant.  I made it in Southport.  I was a block  
8     sergeant there.  When I came back to Gouverneur, which  
9     was like three months later, I became the S200 sergeant,  
10    the block officer -- sergeant for the S200.  From there  
11    I went to charts.  I worked scheduling and everything up  
12    front.  I was an assistant watch commander, and from  
13    there I went to housing on 3-11.

14                  Q     Okay.  And that's when you were the  
15    housing -- okay.  And you said a couple years.  Can you  
16    explain to me your role and responsibilities of a  
17    housing sergeant?

18                  A     Yes.  Basically making sure everything is  
19    running smooth.  It's clean, quiet, everything is in  
20    compliance.  Officers are doing their job.  Inmates are  
21    okay.  They try to limit what's going on with all the  
22    jail stuff, you know, like, there's all kinds of stuff  
23    that happens in prison so -- yeah.  Just trying to keep  
24    a certain amount of control and peace, a little bit of  
25    harmony.

1 Q Okay. So you're in October 28th, 2020,  
2 you're a housing sergeant. Were you assigned to a  
3 particular area of this facility?

4 A Just the housing units.

5 Q And this is all the housing units?

6 A Yes.

7 Q And so what are they or --

8 A They go from A to G, and there's two  
9 sides to a housing unit. So there's A1, A2, B1, B2, C1,  
10 C2, D1, D2, all the way to G, G1, G2. Approximately 50  
11 inmates in each side, a dormitory side.

12 Q Fifty inmates with respect to each  
13 housing unit, you're saying?

14 A Yeah. Each unit.

15 Q So A has 50, B has 50, C has 50 --

16 A No, no, no. That's the whole block. A1  
17 would have 50 approximately. I mean, during double  
18 bunking there was 90 in that side. A2 would have 50.  
19 B1 would have 50 approximately. All approximate  
20 numbers. People are constantly moving and shifting and  
21 transferring out and transferring in.

22 Q And so you were in charge of the whole  
23 housing unit. About how many officers, would you say,  
24 manned down the housing unit?

25 A Well, there's 14 of them, and then you

1 have the release, and then you have the resource for  
2 people who called in sick, and then you have vacation  
3 officers that have that on top of that like when they  
4 are on vacation. So I don't know. Forty officers  
5 maybe.

6 Q At any one given time, you're saying  
7 there's 40 officers working?

8 A No. At one given time there's only 14  
9 housing units so there's only 14 at any given time but a  
10 total personnel. You know what I mean?

11 Q Yeah.

12 A Okay.

13 Q So typically 14 people working but your  
14 whole team is comprised of 40 people?

15 A Yes, approximately.

16 Q Okay. And you're in charge of all 40  
17 men; is that correct to say?

18 A Yes.

19 Q And they all report to you?

20 A Yes.

21 Q And who was your direct supervisor at  
22 that time?

23 A It would be the watch commander, whoever  
24 that was that day. I'm not sure if it was Ault or if it  
25 was Decker maybe. I'm not sure. So the watch

1 commander, the lieutenant on that shift, he's the  
2 highest ranking at that time.

3 Q Now, you say 14 officers and they're  
4 spread out through the housing unit, A through G. Are  
5 they assigned to various posts?

6 A Yes. They have the housing unit  
7 themselves. They sit in a dormitory area and make sure  
8 everything's smooth, everything is in compliance, it's  
9 being cleaned, nobody's hurting anyone, just try to keep  
10 the peace. Keep the peace.

11 Q So to the extent you were in charge of  
12 all the dorms, were you familiar with the C1 Dorm?

13 A Yes, I was.

14 Q And I'm using the term "familiar." I  
15 guess I probably want to define that. Did you make  
16 rounds? Did you ever go and manage the area? How were  
17 you familiar with the C Dorm area?

18 A I do rounds, yes. I did go and talk to  
19 each officer, see how their day's going. So if there's  
20 any problems, any activity like, you know -- a big thing  
21 at that time was drugs, drugs, drugs. Everybody was  
22 doing drugs. It was crazy. But anything, extortion  
23 anything, you know. Just to keep a lid on things.

24 Q Okay. So you would speak to the  
25 officers. Would you also speak to the inmates?

1                   A     Oh, absolutely. It was during COVID, and  
2     all the inmates were scared. Everybody was scared, and  
3     that was the beginning of it. For me, trying to explain  
4     or try to keep them calm. I mean, you can imagine when  
5     they were seeing on TV what was happening in New York  
6     City with tractor trailers with the cooling units and  
7     body bags. It scared everybody. We didn't know. It  
8     was brand-new, so yeah, it was a very tense time.

9                   Q     So you would walk around, you would speak  
10    to the corrections officers, you would also familiarize  
11    yourself with the inmates; is that fair to say?

12                  A     Absolutely.

13                  Q     Now, would the same officer be assigned  
14    to the same areas regularly?

15                  A     It depends. Like, you have officers who  
16    are assigned to a certain area, like, Marra was. I  
17    believe he was a C1 Officer, so that's where he worked  
18    every day. Then you have a relief officer. He'll work  
19    the C1 side when Marra was off, and then he'd work C2  
20    side when that person was off, and then he'd work  
21    another job. And then you have vacation leave. So  
22    yeah, there's -- when they're assigned that day, that's  
23    what they have, but they don't leave that area.

24                  Q     But I guess what I'm saying is so let's  
25    say Marra is assigned to C1. He comes in and the rest

1 of the week -- I don't know. Let's say he comes in,  
2 might be a Tuesday. Is he still assigned C --

3 A Yep. Every day he goes to C1 unless he's  
4 on a swap. Then he can work other places. You know  
5 what I mean? If he's swapping with somebody on a  
6 different shift, he can work different places. So --  
7 but his job, his specific bid was C1. He worked there  
8 every day. Every day that he worked, he worked there.

9 Q Okay. So officers are generally  
10 partnered with the same people?

11 A Yes. Yes. I mean, officers are by  
12 themselves in that block of 50 inmates. They run it.  
13 They run the whole thing, make sure they go to programs,  
14 make sure the breakfast is on time, you know, their  
15 meals. Laundry. Everything.

16 Q So fair to say that officers were working  
17 these areas familiarize themselves with each other  
18 because they're working together?

19 A Absolutely. I mean, they might talk to  
20 each other on phones. Like, you know, we have new  
21 officers, and I expect the older officers to help them  
22 out or even call me if they have a question, you know.  
23 How do I handle this? What do I have to do to do this?  
24 Research change from the state shop, you know. Laundry.  
25 Anything that might pop up a little bit out of the

1       ordinary, but a new officer wouldn't know. So yeah,  
2       they help out each other.

3                   Q       You spoke about, like, the newer  
4       officers, older officers. Is there like an unsaid level  
5       of hierarchy between the corrections officers? Like, I  
6       know they're all called corrections officers, but do the  
7       ones with seniority carry more weight?

8                   MR. DORANDO: Objection. You can  
9                   answer.

10                  A       I would say yes, but not really. It  
11       depends on the officer. A person that conducts  
12       themselves well that's well respected, yes, but there's  
13       officers that are kind of not up to par, you know.  
14       They -- I don't know. They call in sick a lot. They  
15       don't show up. So yeah, the younger guys won't hold  
16       those in a high, high regards. It depends on the  
17       individual, really. But yes, there is a hierarchy.

18                  Q       You mentioned some of the -- your roles  
19       and responsibilities as a sergeant, and I think that you  
20       focused on keeping the peace and making sure things run  
21       smoothly?

22                  A       Yes.

23                  Q       With that said, were you ever required to  
24       sign off on certain types of paperwork?

25                  A       I don't know what you mean.

1 Q Meaning -- let me ask you this.

2 Corrections officers, is there paperwork that they have  
3 to fill out, generally?

4 A Yes. Like cell searches, and stuff like  
5 that. Is that what you're talking about?

6 Q Yeah --

7 A There are certain things I have to sign.  
8 I have to look at, make sure they're following the  
9 program. Make sure they're right on point. There's  
10 things that are required of them every day that have to  
11 be done, every day.

12 Q Well, what kind of paperwork do you -- or  
13 did you as a sergeant have to sign off on?

14 A Like if they needed supplies, toilet  
15 paper, soap, toothpaste or whatever. If something broke  
16 in the unit, make sure the maintenance request was done  
17 properly and make some calls. Cell searches, just sign  
18 a logbook, review the logbook every day and make sure  
19 everything is going according to as scheduled.

20 Everything is within the realm as it's supposed to be.

21 So that's about it.

22 Q What about things like use of force?

23 A Yes. If it's my area, yes. If it's my  
24 area, I do the use of force in that area, but if it was  
25 like in the school, obviously that sergeant or the

1 program sergeant would take care of that.

2 Q So use of force, you would have to sign  
3 off on. What about inmate misbehavior?

4 A Yes. Same.

5 Q What -- as you sign off on the documents,  
6 what did it signify?

7 A I'm -- just that I reviewed it. Oh, I'm  
8 sorry. Go ahead.

9 Q I think you understood my question. I  
10 was going to clarify but go ahead. Go ahead.

11 A Just to review it, make sure everything  
12 is where it's supposed to be. You know, everything is  
13 following policy, memorandums, directives, you know.  
14 Just looking it over making sure everybody is on the  
15 right page.

16 Q Okay. When you say looking it over  
17 making sure everyone's on the right page, are you  
18 investigating credibility?

19 A No. At that point I'm reading books.  
20 Are you talking about a misbehavior, or what are you  
21 talking about? Like a cell search if I'm -- like, if  
22 he's asking me that there's something -- that the water  
23 fountain's broke, yeah, I go out and -- show me it's  
24 broke or whatever. If the slop sink is leaking, can you  
25 show me? And then I'll make those calls, but that's

1       about as much -- to call it credibility, I don't know  
2       exactly --

3                   Q       I guess what I'm saying is to the extent  
4       you're signing off on a document, you're attesting to  
5       its accuracy; is that not correct?

6                   A       Right. To the best of my knowledge, yes.

7                   Q       So to the extent that you're attesting to  
8       something and to its accuracy, I'm asking you in order  
9       to do that, do you investigate or do some sort of  
10      inquiry?

11                  A       Oh, yeah, yeah, yeah. Like depending on  
12      what's going on, you know. Like if it's a -- I  
13      interview inmates. I talk to people to see what's going  
14      on. Yes, definitely.

15                  Q       And what happens if you don't believe  
16      what's written? What do you do about it?

17                  MR. DORANDO: Go ahead and answer,  
18                           but objection.

19                  A       I tell the person. I address the issue  
20      and why I don't believe it, and let's see what the  
21      explanation is.

22                  Q       And so you do -- and so this inquiry when  
23      you sign off on things, you do that every time you're  
24      attesting to a document?

25                  A       It depends because some guys you know --

1 like guys that don't write misbehavior reports. They  
2 may go, geez, there's guys that will go three or four  
3 years without writing a misbehavior report. So if they  
4 write one, yeah, and if you read it, it sounds legit,  
5 and it's -- yeah. So you just believe that that person,  
6 they aren't, you know, just a -- they're just very  
7 professional. There's certain people that you would  
8 just say, "Okay. I got you. I believe that happened."  
9 But if there's any question, I address it if I feel that  
10 there's something amiss. Oh, yeah. I'm all over it.

11 Q So fair to say one of the things that you  
12 do you look at the officer's history or your experience  
13 with them --

14 A Yes, and other people's history with them  
15 too. Ask my peers have they had any problem with this  
16 guy or anything like that. Fortunately I haven't had  
17 anything like that. We might have to tighten them up on  
18 laziness or being on time or something like that. But,  
19 yeah, for the most part, it's been pretty good.

20 Q I know you spoke about use of force,  
21 misbehavior. What about medical records? Do you review  
22 medical records?

23 A If there's an incident, yeah. Like I  
24 say, if there's a use of force if somebody gets hurt,  
25 yes, I review those medical records. Just to review

1       their medical records to go into their medical history,  
2       no, I don't do that.

3                   Q        Why do you review the medical records?

4                   A        Because the incident that's involved.

5       When I do the cover letter, and when I do the use of  
6       force, or if I'm doing the UI, I have to be specific on  
7       what the injuries were, what I found in my  
8       investigation, what the inmate said to me, what the RN  
9       has seen and was documented. And that's all put into  
10      the paperwork.

11                  Q        Do you ever look to match the medical  
12      records with the story given to you?

13                  A        Absolutely, yes.

14                  MR. DORANDO: I'm going to object to  
15                        that as -- well, go ahead. I mean,  
16                        obviously you answered.

17                  A        I'm sorry.

18                  Q        You said "absolutely." How so? Explain  
19      that process to me.

20                  A        Well, for obvious -- like if an inmate  
21      was placed on the wall and the officer says, "I directed  
22      him towards the wall," right, and I see there's marks on  
23      him, like, say bruising anywhere I take the inmate, I  
24      talk to him. Of course I take pictures, ask him about  
25      it, ask the officer about it. I got to find out what's

1 going on. Now, there's a lot of cases, you know --  
2 there's all kinds of stuff that happens in prison, so  
3 yeah. That's what I do. I investigated it --

4 Q What do you do -- I'm sorry. I'll let  
5 you finish. I don't think you finished.

6 A I'm done, sir. Go ahead.

7 Q What do you do if the injury is  
8 inconsistent with the actions described by the officer?

9 MR. DORANDO: Objection to form.

10 You can answer.

11 A Like I say, I'd have to evaluate, like  
12 obviously I'd have to see -- when I, like, ask them,  
13 okay, if the injuries aren't consistent, how is that  
14 possible? How did this mark happen? Now, there's a  
15 number of ways it could happen. So I have to  
16 investigate. Did he fall up against something? When  
17 you took him down, did this happen? How did this  
18 happen? That's basically what I do.

19 Q And so these are all questions that  
20 you're asking the officers when -- once you get these  
21 use-of-force reports?

22 A And the inmates, sir, and the inmates.

23 Yes.

24 Q And so if you do -- if it is  
25 inconsistent, what do you do?

1                   A     What do you mean what do I do?

2                   Q     What do you do? Can you just describe

3     the process?

4                   A     Well, if that's exactly what he was

5     saying, I wasn't there, and if he says that, and I'm

6     saying, "Well, this doesn't jive." It's still got to be

7     processed. I'm not throwing out his ticket. It's got

8     to be processed. Let the hearing lieutenant or captain

9     take care of it to see what they believe. You know, if

10    he's going to dismiss it, counsel, reprimand, whatever,

11    whatever, whatever. But all I can do is question him

12    and see what's going on. Now, why do you think this

13    happened? How did this mark happen, do you think? What

14    do you think happened? Now, I'm going to speak out of

15    turn here, but there's been plenty of cases, and it's

16    documented all over the place, but we've had guys run

17    their face right into the wall and then claim stuff. So

18    I mean, it happens, and everybody knows that too. I

19    mean, yeah. So there's a lot of reasons why things can

20    happen. So you just got to evaluate, use your best

21    judgment you can, you know. Do the best you can.

22                   Q     Let me ask you this. Has it ever

23    happened where you, in fact, did read a report that --

24    I'm sorry. Let me ask that again. Strike that.

25                   MR. DORANDO: Just, Officer

1 Coffey -- or Sergeant Coffey, just make  
2 sure that you're paying attention to what  
3 Mr. Blackman here is asking and answer  
4 only what he is asking.

5 THE WITNESS: Absolutely. Yeah.

6 I'm getting off base here. Sorry.

7 MR. DORANDO: Not a problem.

8 Just --

9 THE WITNESS: Thank you.

10 EXAMINATION BY MR. BLACKMAN:

11 Q Okay. So, you know, we've been speaking  
12 about you reviewing paperwork and doing this  
13 investigation because you're attesting to things and  
14 looking at credibility of stories. I'm asking you has  
15 there ever been a time where you actually found an  
16 officer's account of events to be incredible, meaning  
17 not believable?

18 MR. DORANDO: Again, go ahead.

19 A No, I haven't.

20 Q So in all your time at Gouverneur you've  
21 never found a report written by an officer to be either  
22 wrong or --

23 A As a sergeant? As a supervisor --

24 Q Yeah. Supervisor.

25 A Yes. From my area, no, I haven't.

1 Q And is this your job as a sergeant to  
2 reprimand officers that are not following proper  
3 procedure?

4 A Yes.

5 Q If you see an officer committing  
6 wrongdoing, are you required to intervene?

7 A Yes, absolutely.

8 Q Have you ever seen an officer committing  
9 wrongdoing and have intervened?

10 A Yes, I have. Like, I have seen some  
11 very -- stuff that, you know -- they're just new and  
12 they don't understand; you have to explain it to them.

13 Q Okay.

14 A Nothing malicious intent. I haven't seen  
15 anything with malicious intent. I've seen procedure  
16 problems, you know.

17 Q Let me ask you this. If other officers  
18 see a fellow officer committing wrongdoing, is it their  
19 job to intervene?

20 A Yes.

21 MR. DORANDO: Objection to form.

22 A Yes.

23 Q Let me take you back to October 28th,  
24 2020. Did you -- were you assigned a regular -- I know  
25 you were a sergeant. Did you have tours like a

1 corrections officer, or were you assigned a regular  
2 tour?

3 A Explain that again. I didn't quite  
4 understand.

5 Q Like shifts. I don't know. I think  
6 police officers call their shifts tours?

7 A Right.

8 Q I guess what I'm saying, did you have a  
9 regular shift that you work?

10 A Three-eleven was my regular shift that I  
11 worked. Tour 3.

12 Q I'm sorry. How do you call it, Tour 3?

13 A Yes, Tour 3. Tour 2 is 7 to 3. Tour 3  
14 is 3 to 11, and 1 is 11 to 7 a.m.

15 Q And what's Tour 2 again?

16 A Tour 2 is 7 to 3.

17 Q So on October 28th, 2020, you were  
18 working Tour 3 from 3 to 11; is that correct?

19 A Yes.

20 Q And how long at that time had you been  
21 working at that particular tour?

22 A I don't -- a couple years maybe.

23 Q All right. So -- but by all accounts,  
24 that was your regular work shift?

25 A Yes.

1 Q Okay. When you work, do you wear a  
2 particular type of uniform when you were working as a  
3 sergeant at that time?

4 A Yes.

5 Q Can you describe that uniform to me?

6 A White shirt, chevrons on it. Blue pants  
7 and my name tag.

8 Q Okay. Do you -- are you equipped with  
9 anything?

10 A My radio, my keys. The OC spray or  
11 whatever it is. The pepper spray, which was fairly new  
12 when I got there.

13 Q And the corrections officers under your  
14 charge, what do they wear?

15 A Keys. Very similar, but a blue shirt  
16 with their name tag on it, but everything else about  
17 similar. Keys, radio, spray.

18 Q In and around that time -- when I say  
19 "that time," I'm referring to October 28th, 2020 -- were  
20 you all wearing masks?

21 A Yes, I believe so. Yes. Well, I don't  
22 know. That was October. I don't think it was until --  
23 I don't know, to be honest with you. I would say yes  
24 but -- yeah. I know I was wearing masks before I left,  
25 so yeah. I would say yes definitely.

1 Q Okay. Let me turn to the incidents in  
2 question. On that day, and again, I'm referring to  
3 October 28th, 2020, did there come a time when you  
4 became aware of a confrontation between an inmate named  
5 Mike McCallion and Officer Marra?

6 A Yes. When they called the red dot, Marra  
7 had pulled his pin.

8 Q Where were you Tuesday?

9 A I'm not sure. Either at sergeant's  
10 office or on the walkway. I'm not sure where I was at  
11 that time.

12 Q And when the red dot occurred, what  
13 happened, or what information were you given?

14 A It comes over the radio that there's a  
15 red dot on what dorm it is, and the whole team --  
16 there's a red dot team, probably about five or six  
17 fellows and myself respond to it to see what the problem  
18 is.

19 Q Now, the message that's relayed, how  
20 detailed is it? Like -- or at that time --

21 A It's not. It's just a red dot. Red dot,  
22 C1 Dorm. That's it.

23 Q Are you told who is involved? What --

24 A Nothing, nothing at all. We don't know  
25 anything until we come in. It could be a multitude of

1 things when we walk in that door.

2 Q And you say there's a red dot response  
3 team?

4 A Yes.

5 Q What's their name? Does it have a  
6 particular acronym like ERT or something like that?

7 A No. Each -- there's different jobs that  
8 the -- there's like six officers on every shift.

9 There's certain jobs where they're available to run to  
10 assist somebody, but they aren't in charge of inmates at  
11 the time. Like a housing unit officer is never going to  
12 be a red dot because he's got 50 inmates to take care  
13 of. Now, there's rec officers that can because there's  
14 other rec officers out there so -- see, if you've got  
15 five rec officers out there, two of them can leave, you  
16 know. Yeah. That's how it works, mess hall, same  
17 thing.

18 Q Okay. So when you hear the red dot,  
19 immediately you're to report and whoever assigned the  
20 red dot team for that day is to report?

21 A Yes.

22 Q And the red dot team, is it every day  
23 someone's given that assignment, or is there like a  
24 permanent --

25 A There's a permanent assignment to the job

1 that they get. Now, there's a lot of resource or  
2 vacation leaves so... But the guys that have it  
3 regular, they know they're a red dot and so, you know,  
4 that's how it works.

5 Q And why are you responding? Why were you  
6 responding?

7 A Supervision. To make sure everything is  
8 going by the numbers, everything is right, and use my  
9 experience to help everything.

10 Q So you would be the officer to the extent  
11 you get to the incident location, you would be the  
12 officer in charge?

13 A Absolutely.

14 Q So everyone would be under your charge?

15 A Yes.

16 Q And that's a red dot team; correct?

17 A Yes.

18 Q And everyone also working, meaning  
19 correction officers in that particular unit, would also  
20 be under your charge; is that correct?

21 A Yes.

22 Q Meaning the particular defendants in this  
23 lawsuit would all have been under your charge at the  
24 time, and I'm referring to Barbarito, Griffith, Hart, or  
25 Hardy?

1                   A     It's probably Hart. I probably wrote it  
2     down wrong. I just reviewed it.

3                   Q     Okay. And Marra?

4                   A     Yes.

5                   Q     Everyone would have been under your  
6     charge?

7                   A     Yes.

8                   Q     You mentioned that you became aware of  
9     the incident between Michael McCallion and Officer Marra  
10    based on, I'm hearing, the red dot. I want to know  
11    prior to that date, did you know Mr. McCallion?

12                  A     Possibly. I don't know if I had any  
13    run-ins with him or not, to be honest. Possibly.  
14    There's so much going on, but it's possible. I don't  
15    know.

16                  Q     Well, do you remember ever having any  
17    negative interactions with Mr. McCallion?

18                  A     Not really. If -- no, not that I can --  
19    I can't really recall anything.

20                  Q     Do you ever remember prior to that day  
21    any other officers reporting to you about Mr. McCallion  
22    and having negative interactions with him?

23                  A     No, I don't recall that. It's possible  
24    but the thing is like there's a lot of guys that are  
25    problem children. There's a lot of drug runners,

1                   extortion, all kinds of stuff, you know. So who knows?

2                   Have I talked to him? It's nothing that stuck in my  
3                   head, but it's a busy place.

4                   Q        Well, you mentioned the problem children;  
5                   right? Problem children are usually the ones that you  
6                   remember; right?

7                   A        You try to but there's so many. There's  
8                   so many things going on in and out, in and out. They  
9                   were there for a couple of months and they're gone. You  
10                  get somebody else. New faces all the time.

11                  Q        Let me say this, Mr. McCallion is not --  
12                  that name is not one that sticks out to you?

13                  A        Not at all.

14                  Q        So fair to say you never heard of  
15                  Mr. McCallion being violent towards anyone or any  
16                  inmates or any officer that you can --

17                  A        No, no. I don't recall that at all.

18                  Q        Okay. When you first received the red  
19                  dot, what did you do immediately?

20                  A        Head towards that dorm.

21                  Q        And I'm sorry, you mentioned it before.  
22                  Where were you at the time?

23                  A        I'm not sure. Either in the walkway,  
24                  maybe the sergeant's office. I'm not sure where I was.

25                  Q        Were you with anyone at the time?

1                   A     I wouldn't know that either, to be  
2     honest.

3                   Q     Are you -- do you typically -- as a  
4     sergeant, do you typically walk around escorted or with  
5     someone?

6                   A     It depends on the situation. Yes. Yes,  
7     you do help out with escorts specially at night, 3 to  
8     11, whether I'm doing walkway coverage to watch him so I  
9     can keep an eye on things, or I'm walking right with  
10    him.

11                  Q     Okay. Who would you typically pick as an  
12    escort? Is it like a resource guy?

13                  A     Whoever is available that wasn't  
14    involved. Whoever was available. I have no specific --  
15    anybody. It's like, you know, "You and you, you're  
16    escorting."

17                  Q     Do you document when you pick someone to  
18    escort you for a particular day? How do you document  
19    that?

20                  A     They write a to-from that they were  
21    escort officers.

22                  Q     So what do you mean? So every day if you  
23    pick someone to be your escort, they have to write a  
24    to-from saying that they were your escort?

25                  A     Like say if use of force or they are

1       taking somebody to the box, or if there's any unusual  
2       incident whatsoever, yes, they write a to-from that they  
3       escorted that inmate to and from and whether there was  
4       an incident in that transportation.

5                   Q        What I'm asking is separate and apart  
6       from an unusual occurrence, is there a way where you  
7       logged individuals that were your escort?

8                   A        No.

9                   Q        So how do you keep track of what your  
10      officers were doing at any given time or day?

11                  A        Well, when I give the order, and I write  
12      it all down. I have to take little notes, and at the  
13      end of it I try to put it all together.

14                  Q        Okay. So where do you write those notes?

15                  A        Pardon me?

16                  Q        You said you write notes, and you take  
17      notes.

18                  A        Yeah. Piece of paper. I also have paper  
19      in my pocket and a pen.

20                  Q        Okay. And where do those notes end up?  
21      Do they go into a log book?

22                  A        No. They go in the paperwork that I fill  
23      out, and once all the paperwork's done, I got an  
24      accumulation of papers, I get rid of them. I just throw  
25      them away.

1 Q Okay. So if there's no unusual  
2 occurrence on a given date there would be no way of  
3 knowing who was your escort?

4 A Right. If there was nothing that  
5 happened, say for instance, the guy scratched his finger  
6 down at the gym, they send up E Rec to escort the guy to  
7 the infirmary. There's no to-form for that. There's  
8 nothing that happened. The guy gets a Band-Aid, and he  
9 goes back to the gym. You know, that's --

10 Q But I want to be clear. I'm talking  
11 about you and your -- whether or not you have an escort  
12 for any given day.

13 A Me, myself? There's an escort officer  
14 that is his bid, a Unit 10, but I -- they changed that  
15 up. I don't know exactly how that works anymore. It's  
16 been a while since I've been there.

17 Q So when you walked around the facility --

18 A I'm by myself.

19 Q You're by --

20 A I don't take anybody with him.

21 Q Okay. All right. How long did it take  
22 you to get to the -- from the time you got the red dot  
23 to the incident location?

24 A I don't know. A few minutes. It's the  
25 second for this dorm from the infirmary or post one

1       so -- and I do a brisk walk. I don't run because you  
2       don't know if you have to fight once you get there. You  
3       don't know what's going on, so I like to have my wits  
4       about me when I get there. I don't know. A few  
5       minutes.

6                   Q       When you say "a few minutes," more than  
7       five or less than five?

8                   A       Less than five.

9                   Q       And as you are taking this brisk walk to  
10      the location, are you communicating with anyone  
11      typically, or were you communicating with anyone?

12                  A       I communicate with the base and let them  
13      know that I'm responding to the red dot, so they know  
14      that I'm on the way.

15                  Q       What else?

16                  A       That's it.

17                  Q       Okay. Did you -- when you received it,  
18      do you at that time issue any orders, or are you just  
19      saying, "I'm on my way to the location"?

20                  A       I'm on my way, and then usually the red  
21      dot team, as you're going, they're all announcing  
22      themselves that they heard it, and they're responding.

23                  Q       And so no orders are given at that point?

24                  A       None.

25                  Q       What happens when you first arrive at the

1 location?

2 A I assess the situation. As soon as I  
3 walk in, I see what's going on. It could be a million  
4 different things going on. I'm seeing all kinds of  
5 stuff.

6 Q Okay. What did you first see when you  
7 got to this incident location involving my --

8 A I see them. They were the coming --  
9 the -- Officer Marra and Hart, I guess. There was  
10 officers and the inmate were coming out of the bathroom.  
11 I saw the officer. His shirt was ripped, and I remember  
12 he had a black eye. The inmate had some marks on his  
13 face too and on his neck, and he said that there was a  
14 use of force. So I questioned the officer real quick  
15 under brief, what's going on, and then we escort the  
16 inmate out of the dorm to the infirmary to seek medical.

17 Q So let me just stop you there. You said  
18 as you proceed toward -- well, let me ask you. So they  
19 were in the bathroom; correct?

20 A They were just coming out of the bathroom  
21 as I got there. They had cuffs on him, and they were  
22 bringing him out as I got there.

23 Q So when you say "They were just coming  
24 out," meaning that they were going through the doorway,  
25 or are they actually still --

1                   A     They're just coming out of the doorway to  
2     the bathroom. It's a dormitory bathroom. No doors.  
3     They just come through the area out into the rec area.

4                   Q     Okay. And --

5                   A     As soon as you come through the door, you  
6     can see it directly in ahead of you.

7                   Q     Okay. And at that point Mr. McCallion  
8     was in handcuffs; is that correct?

9                   A     Yes.

10                  Q     Okay. And where were the officers'  
11    positions in relation to Mr. --

12                  A     On either side of him, holding his arms.

13                  Q     And do you remember which -- who was on  
14    which side?

15                  A     I guess it was -- I'm not sure. Hardy  
16    and Barbarito. I can't remember. I know Barbarito and  
17    probably -- I don't know. Probably Hart and Barbarito.  
18    They weren't involved in the incident, so they were  
19    escorting, I think.

20                  Q     So you see Hart and Barbarito escorting  
21    Mr. McCallion --

22                  A     I have ahold of him at the door for a  
23    split second while I talked to Marra to get an idea of  
24    what's going on. I didn't know what happened.

25                  Q     Did you observe anyone else other than

1                   those three officers and Mr. McCallion?

2                   A        There probably was at least three more  
3                   officers, but I don't remember who or what -- I don't  
4                   know on that specific day.

5                   Q        When you say three more officers in  
6                   there, are you talking about in the hallway or the  
7                   bathroom?

8                   A        In that area. In the rec area. As I was  
9                   following in, there was officers still going through the  
10                   door just finally making it from the rec area to go into  
11                   the red dot area, into C Block.

12                   Q        So as a response team member --

13                   A        Yes. As response team members -- the  
14                   remainder of the response team members.

15                   Q        Okay. Did you see any inmates?

16                   A        Yes. There was inmates all over. We  
17                   told them to go into the dormitory, put him on the couch  
18                   so that was -- yeah. That's what we did. There was  
19                   inmates there.

20                   Q        So you said that you briefly spoke to  
21                   Officer Marra; is that correct?

22                   A        Yes.

23                   Q        Tell me about that conversation.

24                   A        Just asked what happened. He explained,  
25                   heard a noise, and they're screaming and carrying on in

1       the bathroom. Some inmates were coming out, fleeing  
2       from the bathroom. Other inmates were looking into the  
3       bathroom to see what was going on. And then he said he  
4       went in and this guy, he appeared to be high, highly  
5       intoxicated. As he talked to him, said something to  
6       him, walked towards him, the inmate lunged at him, tried  
7       to attack him.

8                   Q        Okay. Tried to attack him. Okay. And  
9       then what happened? What else did he tell you?

10                  A        He wrestled him to the ground. I  
11       believe -- I don't know. He has some wrestling  
12       experience. Took the guy down, struggled with him, and  
13       I guess he got handcuffs from one of the red dot  
14       officers when they came in and got his arms behind his  
15       back, and Hart, I believe, gave Marra the cuffs, and he  
16       put the restraints on him behind his back, and as soon  
17       as he did that, the fight was over. Guy didn't want to  
18       fight anymore. It was over.

19                  Q        You said you had -- okay. Brief  
20       conversation you had with Marra. Did you also have a  
21       brief -- did you speak to the inmate?

22                  A        Yes. I questioned him. He was -- to see  
23       what was going on. I asked the other inmates what they  
24       saw too.

25                  Q        This was at the same time? When did you

1 do --

2 A No. Not at the same time. Like at that  
3 time, I was getting him out of the area. I didn't know  
4 exactly what was going on, so when I took the inmate to  
5 the infirmary before we took the pictures or right  
6 around -- before or after I took the pictures, I was  
7 questioning him. "What's going on? What happened? Why  
8 did this happen? Are you okay? Are you on drugs? Are  
9 you taking anything so we can help you? Let us know  
10 what you're taking." That was about it.

11 Q Let me just go back for a second. You  
12 said you had that brief conversation with Marra. He  
13 told you what happened. Did he describe the nature of  
14 the force that he used against Mr. McCallion?

15 A No, other than he wrestled him to the  
16 ground.

17 Q Did you ask more questions?

18 A No, not at that time.

19 Q Okay. What observations -- and so when  
20 you went to speak to Officer Marra, where was he? Where  
21 was he at that time?

22 A He was right in the rec area too. He was  
23 out of the bathroom by the dormitory door, but like  
24 towards the front door with me, and he was talking to  
25 me.

1 Q At that time was Mr. McCallion,

2 Barbarito, and Hart still there?

3 A Yes. I believe they had him in the foyer  
4 at that time, had him escorted there waiting for me to  
5 follow him out.

6 Q Okay. When you went to Marra, what did  
7 you observe?

8 A I'm not sure what you want --

9 Q I'm sorry. I didn't say that clearly.  
10 When you were speaking to Marra, did you observe him?

11 A Yes.

12 Q And how did he look?

13 A A little disruffled [sic]. His shirt was  
14 ripped. I believe he had a little shiner or start of a  
15 shiner on the side of his head. It looked like he was  
16 in a tussle and so did the inmate. The inmate had marks  
17 on himself, had marks on his neck, I noticed. Yes.

18 That's it.

19 Q Okay. And at that point in time, you  
20 then say that the inmate was waiting with the two other  
21 officers; correct?

22 A Yes.

23 Q How far away were the inmates from you at  
24 that time?

25 A Seven feet, eight feet.

1 Q Did you make any observations with regard  
2 to Mr. McCallion?

3 A He kept his head down. He wasn't saying  
4 anything. He wasn't very talkative. He seemed  
5 lethargic. He appeared intoxicated.

6 Q You said you saw them move him from the  
7 bathroom area to the foyer area where they -- and they  
8 waited for you. What observations did you make about  
9 Mr. McCallion's movements?

10 A Nothing. Just -- he was being helped to  
11 walk. That was about it. He seemed like a -- you know,  
12 like he was on a bender, like he was a little messed up.  
13 I didn't realize how bad until later on.

14 Q Did he seem vividly injured to you?

15 A No. Like, I saw the marks on him, but  
16 they were just very superficial. I didn't realize  
17 anything until I had him remove his clothes so I could  
18 take pictures.

19 Q And when you say, "I saw the marks," they  
20 were very superficial, what marks are you talking about?

21 A There was a little scratch on his neck,  
22 and there was a mark on his eye. That was it.

23 Q And when did you first see that?

24 A When we first walked in, I looked at the  
25 inmate, looked at his face, looked at his hands, looked

1 at my officer, see what's going on.

2 Q What was the inmate wearing at that time?

3 A I don't remember. Probably a T-shirt and  
4 pants. I'm not sure.

5 Q And what injuries did you say you  
6 observed? You observed the scratch on the neck and what  
7 else?

8 A There was a scratch, and his eye had a  
9 little redness around it at that time.

10 Q How was he walking?

11 A Not very well. He was kind of  
12 staggering. They were helping him. They were guiding  
13 him.

14 Q Did he have any trouble breathing as far  
15 as you could tell?

16 A At that point I didn't see any of that  
17 going on yet.

18 Q Did he seem like he was wincing in pain  
19 at any point?

20 A No, nothing.

21 Q Was he bleeding?

22 A I didn't see any blood. Maybe the red  
23 mark, scratch maybe. I didn't see any red blood at that  
24 time.

25 Q And I think you had said before, and

1       correct me if I'm wrong, he wasn't saying anything at  
2       the time?

3                   A       He didn't say anything, I don't believe  
4       anything at all. I mean, until we got up there and I  
5       was questioning him.

6                   Q       So as he stood there he's not moaning,  
7       he's not screaming, anything like that?

8                   A       Nothing. Head down. He was done. He  
9       wasn't fighting anymore. It was over.

10                  Q       Okay. After you took the brief statement  
11       from Marra, what did you do?

12                  A       I -- we left. It was like within seconds  
13       we were out the door and taking him up to the exam room  
14       to the infirmary.

15                  Q       So how long of a walk was that?

16                  A       A few minutes, you know. Of course, he  
17       needed helped to walk, so a few minutes. I don't know.  
18       Under five. Way under five. Maybe three, I'm guessing.

19                  Q       What role did you play in the escort?

20                  A       Just watching him making sure he wasn't  
21       dumping things out of his pockets as he was walking.  
22       Just making sure everything was okay.

23                  Q       Were you walking behind him? In front?

24                  A       Behind him.

25                  Q       Is that standard? That's what they do?

1 They hold him by the side, and you walk behind?

2 A I always walked behind him. Yes.

3 Q Describe the route taken to the  
4 infirmary. How do you get there?

5 A It's a straight one. You walk out.

6 There's a walkway that goes outside of C Block, and then  
7 you take a right turn, and then you just walk down the  
8 walkway, and the infirmary's at the very end. Actually,  
9 there's a T, and it's just on the other side of the T on  
10 the walkway.

11 Q Do you pass any cameras as you walk?

12 A Oh, there's cameras on the fence.

13 There's cameras focused into the compound at that time.  
14 Yeah. That's it.

15 Q So then you all would have been captured  
16 on camera?

17 A Absolutely.

18 Q What happened -- so did you -- after  
19 speaking to Marra, I know you said you left and you  
20 helped escort Mr. McCallion. Did you give Officer Marra  
21 any instructions after your brief conversation with him?

22 A They sent him a relief so he could come  
23 up and explain and start his paperwork for the use of  
24 force in that unusual incident.

25 Q I'm sorry. You said -- I totally missed

1 that. Can you say that one more time?

2 A They sent him an officer to relieve him  
3 so he could get off the unit. He didn't have to carry  
4 on those duties because he had to write down, get looked  
5 at by medical, make sure everything was okay, you know,  
6 to fill out of the paperwork, and he stayed on duty  
7 though. He went back to work.

8 Q You say "They sent him a relief." Who's  
9 "they"?

10 A That's a chart sergeant. Chart sergeant  
11 is in control of all the scheduling and all the prison  
12 movement. He sets it up where he sends an officer there  
13 so he can come and see me so we can talk about things.

14 Q But how would the chart officer know --

15 A Chart sergeant.

16 Q I'm sorry, the chart sergeant, know that  
17 Officer Marra had to leave his post? Did you tell him?  
18 Somebody else tell him or --

19 A I couldn't tell you but probably I told  
20 him. I probably did. I would lay money it was me that  
21 told him he needed to leave.

22 Q And where did you -- do you know, where  
23 did Marra go after this conversation with him?

24 A He came up to the infirmary, went into  
25 the sergeant's office.

1 Q And did he walk with you all?  
2 A I don't remember. I don't think so  
3 because he was behind us. I don't know exactly how that  
4 transpired, to be honest with you. I can't remember,  
5 but I know he was up there.

6 Q Let me ask you this. Was there a  
7 different way to get to the infirmary other than the way  
8 you took?

9 A No. You just walk it.

10 Q Right.

11 A Well, you had to wait -- it's a time  
12 frame. He had to get relief. He can't leave his post  
13 until he has a relief. So now if he had a relief  
14 immediately, and he came right out, that's possible he  
15 was behind us, but I couldn't tell you for sure.

16 Q Do you remember at any time Officer Marra  
17 passing you as you all went to the infirmary?

18 A No, not really.

19 Q Well, when you got to the infirmary was  
20 Officer Marra already there?

21 A No. I don't believe so.

22 Q All right. You all made it to the  
23 infirmary with Mr. McCallion; is that correct?

24 A Yes.

25 Q And at that point in time Officer Marra

1 was also in the infirmary?

2 A He's in the back of the infirmary.

3 Q Okay. When you got there, was Officer  
4 Marra already there?

5 A No.

6 Q So at some point Officer -- Mr. McCallion  
7 got there, Officer Marra arrived?

8 A Yes. I would say that, yes.

9 Q Can you describe the infirmary to me in  
10 general terms? When you walk into the infirmary, what  
11 do you see?

12 A You see an officer's desk, and the  
13 officer's sitting right at the front door with a phone  
14 behind him. There's a hallway directly in front of him  
15 like in front of you as you go through the door. It  
16 goes all the way back and then through some doors, and  
17 there's sergeant's office and all kinds of stuff back  
18 there, and the medical part is you take a left and  
19 there's the exam room, there's isolation rooms, the  
20 infirmary part where sick inmates are. And then the  
21 other side is the bathrooms, break area, and dental  
22 department.

23 Q Okay. And you mentioned the sergeant's  
24 desk. Is there a sergeant that's stationed there  
25 throughout the day?

1                   A     No.  They're in and out.  Well, the  
2     officer that's in charge of it would be me.  Yeah.  The  
3     infirmary is part of my area.

4                   Q     Okay.  Is there an officer that is posted  
5     or who stays in the infirmary throughout the day?

6                   A     Yes.

7                   Q     How many?

8                   A     There's two during the day shift and one  
9     on 3-11.

10                  Q     This particular day, do you recall who it  
11    was?

12                  A     No.  I can't remember.

13                  Q     What would let us know who was supposed  
14    to -- what record --

15                  A     His log book would show that -- of that  
16    date.

17                  Q     You mean who?  The correction officer --

18                  A     The correction officer at the hospital  
19     entrance.  That's his area, the infirmary, they'd be in  
20     the logbook for that day.  He has a logbook to fill out,  
21     like, medication runs, emergency sick calls, emergency  
22     runs, all that stuff so...

23                  Q     Okay.  So the infirmary has a logbook  
24     that's there and --

25                  A     Absolutely.

1 Q -- and that logbook would reflect  
2 whomever was working that particular day; is that  
3 correct?

4 A Yes.

5 MR. BLACKMAN: I'm sorry. Off the  
6 record for a second.

7 (A discussion was held off the record.)

8 EXAMINATION BY MR. BLACKMAN:

9 Q Is there a room in the infirmary that is  
10 referred to as the frisk room?

11 A Yes.

12 Q Where is that located? Well, what is the  
13 frisk room first off, I guess?

14 A You use it to do like strip frisk if a  
15 guy's being transported out. He's got to be frisked.

16 If they suspect drugs, they see him placing something  
17 down his pants or something, he's got to be frisked.

18 That's what it's for. It's usually used by  
19 transportation. People take him to outside hospital,  
20 whether they go to court or anything like that.

21 Anything outside of the jail, they have to be stripped  
22 before they leave.

23 Q And where is the frisk room located?

24 A It's down behind in the infirmary down in  
25 the back by the sergeant's office.

1 Q In the back. All right. You said when  
2 you come into the sergeant's desk and -- but in addition  
3 to the desk, there's also a sergeant's office that --

4 A That's the officers's desk at the front  
5 of the infirmary.

6 Q Oh, officer's desk. Sorry.

7 A Sergeant's desk is -- he has his own  
8 office in the back of the infirmary.

9 Q And next to that office is -- you have  
10 a --

11 A A frisk area.

12 Q Frisk area. Okay.

13 A Yes.

14 Q What are the isolation rooms?

15 A The isolation rooms are just down from  
16 the medical exam room. It's like, there's two rooms.  
17 It's for like anybody with tuberculosis or anything like  
18 that or any communicable disease or anything so they can  
19 evaluate and test them if they're suspected. That's  
20 right there.

21 Q Is that only the medical staff that's  
22 instructing people to go into the isolation or who's  
23 making the determination as to who goes into the  
24 isolation rooms?

25 A The doctor, the watch commander, the RN.

1       The medical staff will recommend it, but the doctor has  
2       to have the say. He has to sign off on it.

3           Q     Okay. In a situation like the one that  
4       we spoke about, the use-of-force incident, would  
5       officers have occasion to take the inmate to the frisk  
6       room?

7           A     Say that again.

8           Q     In a circumstance like the one that we're  
9       speaking about, would officers have occasion to take  
10       that inmate to the frisk room? Like, would it ever  
11       require them?

12          A     No. It depends. No --

13                    MR. DORANDO: Objection. Go ahead.

14          A     If he's observed reaching in his pants,  
15       looks like he's, you know, stuffing something or  
16       something like that, yeah, we go back and we frisk him.

17          Q     Okay. With respect to Mr. McCallion, was  
18       he ever frisked?

19          A     No. I don't believe so. No. Because we  
20       went right into the medical exam room.

21          Q     You previously mentioned that he was --  
22       he appeared to be out of it; correct?

23          A     Yes.

24          Q     And when you say he appeared to be out of  
25       it, I'm assuming you mean high on some type of drugs.

1                   A     Yes. Actually, during my questioning, he  
2     admitted smoking K2 or taking K2.

3                   Q     So to the extent he's smoking K2 or using  
4     it, would you not frisk him?

5                   A     Well, you first -- we have to do a  
6     picture. So we take off his clothes. We do a clothing  
7     search; right? You don't do a strip frisk unless you  
8     have seen him trying to stick something down, you  
9     know -- you don't want -- he has rights, and you don't  
10    want to do a strip frisk checking his cavities unless  
11    you think for sure that he's putting something up inside  
12    him.

13                  Q     Okay. So let's get back to the escorts.

14                  So Mr. McCallion's escorted into the infirmary by  
15    yourself, Officers Barbarito, and Officer Hart. What  
16    happens once he gets to the infirmary?

17                  A     We take him right into the exam room and  
18    take pictures, and I interview him.

19                  Q     Do you take him right -- when you take  
20    him right --

21                  A     There's four of us. The three of us  
22    escorted him right in the exam room, and I have him  
23    remove the cuffs, and I have him take off the -- his  
24    clothes right down to the underwear, and I take a series  
25    of pictures. Now, before that or after that, I'm not

1 sure. Probably before that, I'm just asking him  
2 questions like what was going on. "Are you on  
3 something? If you are, let us know. Maybe we could  
4 help you. We can't help you if we don't know what  
5 you're on." So he suggested he was on K2.

6 Q What else did he say?

7 A That's about it. It was hard to  
8 understand him like he was -- he acted like he was  
9 wasted, and then -- go ahead.

10 Q Well, so obviously you take him to the  
11 examination room, you questioned him, you take pictures.  
12 I guess my question is when is he seen by medical  
13 professionals?

14 A Right after -- when I'm ready for --  
15 because she's busy. She's got her own stuff going on.  
16 So right when I'm finished with all my stuff, then I  
17 have her come in and have her inspect him.

18 Q So initially you are with the inmate in  
19 the infirmary before any medical professionals come on  
20 the scene?

21 A Yes.

22 Q Okay. And who directs you -- so the  
23 medical professionals are not, you know, like when you  
24 go into, like, the hospital or the doctors' office now,  
25 you have a nurse saying Exam Room 1, Exam Room 2, all

1 that stuff. Are you -- but when you go into the  
2 infirmary, you're just picking a room and going in?

3 A No. There's only one exam room, and they  
4 knew I was coming, and I think I yelled down the hall  
5 that I was there. Excuse me just for a second. I got  
6 to close my door.

7 MR. BLACKMAN: Actually, Nick, this  
8 might be a good -- do you guys mind just  
9 a two minute -- just going to run to the  
10 bathroom and come right back.

11 THE WITNESS: Sounds good.

12 MR. DORANDO: Same here.

13 (Whereupon a brief recess was taken.)

14 EXAMINATION BY MR. BLACKMAN:

15 Q Okay. Mr. Coffey, you said you took  
16 pictures of Mr. McCallion; is that correct?

17 A Yes.

18 Q And why did you take those pictures?

19 A As part of the packet for the UI  
20 injuries. I saw injuries on him, plus it's part of the  
21 packet. You have to take pictures.

22 Q Okay. And now is a medical person  
23 present while you're taking the pictures?

24 A Sometimes they are; sometimes they  
25 aren't. I'm not sure if she was there at that point yet

1       or if she finished what she had to do to come in at that  
2       time. I'm not sure, but, yes, sometimes they are;  
3       sometimes they aren't.

4           Q     Now, do they tell you all what -- do the  
5       medical personnel tell you what pictures to take? Do  
6       they suggest them?

7           A     No.

8           Q     Are they involved in any way in that  
9       progress?

10          A     No. Not in the pictures. No. We kind  
11       of work together though. Like they see something I  
12       don't, like you look it over, you know. We do closeups  
13       of the injuries or try to see what it is, you know.  
14       That's what we do.

15                "Now, did you see this here?"

16                "Yes."

17                "Okay."

18          Q     So fair to say you all work fairly  
19       closely with the staff there in the infirmary?

20          A     Yes.

21          Q     And when I say "staff," that's the  
22       medical people -- you have medical people that staff the  
23       infirmary?

24          A     Yes.

25          Q     Do you know on that particular day who

1 would have been staffing?

2 A The RN was McIntosh.

3 Q And is there only an RN there or are  
4 there other --

5 A Just, probably 98 percent of the time  
6 just an RN.

7 Q And you are familiar with the RN  
8 McIntosh?

9 A Yes.

10 Q You had worked with RN McIntosh before?

11 A Yes.

12 Q For how long?

13 A I don't know. A few years probably. I  
14 don't know if she was there -- I've been there longer  
15 than she has. I don't know how long she was there. I  
16 have no idea how long she was there.

17 Q So after you finish your process when  
18 you're asking the questions, taking the pictures, what  
19 happens next?

20 A What do you mean "what happens next?"

21 Q I mean what happened next in the course  
22 of events? So you did your thing, and then what happened?  
23 Did the nurse come in?

24 A Oh, okay. So we took the pictures. I  
25 questioned him. He sounded slow to respond. He was

1 kind of lethargic, but he was answering, and then all of  
2 a sudden she was coming in where she was doing an  
3 evaluation. She was looking at his injuries and  
4 everything, and he turned pale, pale, pale. And I  
5 remember him like -- "Are you okay?" We had him sit  
6 down. "Are you all right?" And he wasn't saying  
7 anything. She did his blood pressure, and it dropped to  
8 like 50, and we were like "Oh, my God. He's crashing."  
9 So she got the nasal Narcan with the approval of her  
10 doctor and sprayed him, and there was no desired effect,  
11 and within a few minutes later, she did it again, and we  
12 called an ambulance. We didn't know what was going on  
13 with him at that point.

14 Q So at this time was he still standing?

15 A No. We had him in a chair. We sat him  
16 right down. I was afraid he was going to fall.

17 Q Okay. So you had taken your pictures.  
18 What, then you all placed him in a chair? Then the  
19 nurse came in? Explain to me the sequence of the  
20 events.

21 A I don't remember exactly. Like I say,  
22 it's been a few years. A lot of shit goes on. But  
23 there's a stool in there, and I had him sit on the  
24 stool. I said, "sit down." Because you could see that  
25 he was like losing it. So I said, "sit down," and then

1       she wrapped -- put the cuff around his arm to see what  
2       his blood pressure was, and it was at 50. She says, "Oh  
3       my God. We got to get him out of here. We've got to  
4       get him to the hospital. He's crashing." So she did  
5       the Narcan. She did it a couple times, and then we  
6       waited for the ambulance.

7           Q        Okay. At some point in time did the  
8       ambulance arrive?

9           A        Yes. Shortly after that.

10          Q        And what happened when the ambulance  
11       arrived?

12          A        They put him in the ambulance and took  
13       him to Gouverneur Hospital.

14          Q        Who, if anyone, escorted him? Did any  
15       correction officer --

16          A        Yeah. There was officers that escorted  
17       him. I can't think of who they were off the top of my  
18       head. There was a sergeant and I think two officers  
19       maybe that escorted him to the hospital. They went with  
20       the ambulance. They had a chase vehicle to the hospital  
21       and Gouverneur, which is like ten minutes away, five  
22       minutes away.

23          Q        So it seems like you're looking at  
24       something --

25          A        Yes. I started to jot down some notes

1 from what -- the paperwork that Mr. Dorando gave me so I  
2 had some idea what I was talking about.

3 Q Okay. While you were in the infirmary,  
4 did you observe Officer Marra?

5 A Yes. When I went back to the sergeant's  
6 office.

7 Q When -- when did you go back to the  
8 sergeant's office?

9 A As we were getting the inmate ready to be  
10 transported. After he was -- they already had him on  
11 the gurney, and they were taking off with him, the other  
12 sergeant took control of that situation, so I could  
13 start my paperwork in the back.

14 Q Okay. So you then proceeded to walk to  
15 the back --

16 A Yes.

17 Q -- in the sergeant's office?

18 A Yes.

19 Q And what did you do at that point?

20 A I go in the office, and I interviewed  
21 Marra so I could get an understanding of what was going  
22 on, the time frame, see what was happening. And he  
23 explained what happened. That's it.

24 Q Okay. What did Marra tell you?

25 A What I stated earlier that he heard all

1        kinds of commotion going in the bathroom and a lot of  
2        yelling and screaming. Some inmates were fleeing the  
3        bathroom. As he went into the bathroom, other inmates  
4        were looking in seeing what was going on. So he knew  
5        something was going on. And the inmate appeared to  
6        be -- it looked like he was drunk, he said. As he  
7        mentioned, he started walking towards the inmate, the  
8        inmate lunged at him. So he wrestled him to the ground,  
9        pulled his pin, the red dot team came, and we escorted  
10       him to the infirmary.

11                    Q        Did Officer Marra ever tell you that he  
12        fell on Mr. McCallion's side?

13                    A        No. He said he used body holds and took  
14        him to the ground.

15                    Q        Did you ever ask him the nature of the  
16        body holds or how he took him to the ground?

17                    A        I did. After we got -- when it came back  
18        from the hospital that he had broken ribs, we were like,  
19        "How did -- what did you do? How did you take him to  
20        the ground?" He bear-hugged him and just picked him up  
21        and slammed him. And when he went down to the ground,  
22        he landed on top of him on his hands. So I assumed the  
23        way he did it, he landed right on his coupled fist right  
24        on his ribs. That's what I'm thinking. It made sense  
25        to me. It was possible.

1 Q So you're saying that he -- when I say

2 "he," Marra bear-hugged Mr. McCallion --

3 A Mm-hmm.

4 Q -- and he went backwards? How did he  
5 fall?

6 A All I'm saying is when he was telling  
7 me --

8 MR. DORANDO: I apologize. I'm  
9 going to object to the form of the  
10 question and to the extent that it's  
11 speculative.

12 A It is. It's all hearsay, you know. I  
13 couldn't tell you for sure what his techniques were,  
14 what he did.

15 Q I'm not asking you to speculate. I'm  
16 just asking you -- you were describing what he told you.  
17 So I'm asking you what he told you.

18 A The body holds, he took him to the  
19 ground. That's what he told me.

20 Q You started explaining -- so you said he  
21 had him in a bear hug. I'm asking did he fall  
22 backwards, to the side, or something else?

23 A Face down. He grabbed him and forced him  
24 to the ground forward, so, you know -- I was a wrestler  
25 myself. It's just a body hold. You lock him up, get

1       under his center of gravity, and you force him to the  
2       ground. You're going to the ground with him, you know.  
3       When you go down, he hits, you hit on top of him.  
4       You're going together.

5                   Q        Okay. Let's talk about that. Are you  
6       familiar with a hip throw?

7                   A        Yes.

8                   Q        Well, let me back up. You said you also  
9       did wrestling?

10                  A        Yes.

11                  Q        What's your experience level with  
12       wrestling?

13                  A        I was a state finalist wrestler.

14                  Q        Is that Greco-Roman? Freestyle? What  
15       kind of wrestling?

16                  A        Scholastic, but I did Greco-Roman. I  
17       took second in the Empire State Games.

18                  Q        Okay. So you're familiar --

19                  A        But many years ago.

20                  Q        Do you remember how you shoot legs, arm  
21       holds, all of that stuff?

22                  A        I have a little understanding, yes. I  
23       have a basic understanding.

24                  Q        All right. And you're familiar with a  
25       hip toss; correct?

1 A Oh, yes.

2 Q And typically hip toss, you do it with  
3 your dominant hand or dominant side of your body; is  
4 that correct?

5 A It can be. It depends on -- in wrestling  
6 you should be ambidextrous. You should be able to step  
7 from both sides.

8 Q Okay. Understood. Now, I think being  
9 ambidextrous is a quality that not many of us have.  
10 That said, is it correct that most wrestlers have a  
11 dominant side?

12 A Yes.

13 Q Okay. And typically when you shoot a  
14 move, you're doing it on your dominant side; correct?

15 A Not necessarily, but, yes, it happens.  
16 I'd say more than not. Well, it depends on what  
17 opportunity you have; where they're at, what the angle  
18 was at that time. You got to take advantage of that  
19 millisecond that you have.

20 Q Okay. And you said you're familiar with  
21 a hip toss?

22 A Yes.

23 Q How do you throw them?

24 A There's multiple ways to do it. You can  
25 do it with a body lock and throw your hip into him and

1 step through them, step over them. Or you can do it  
2 with your dominant arm or your weak arm and hook their  
3 arm and then hip toss around like that (indicating).  
4 You could even do it by the head. You can do like a  
5 head lock toss. There's multiple ways to do a hip toss.

6 Q And when you're doing the hip toss, the  
7 aim is to --

8 A Take him to the ground.

9 Q But you're trying to score points; right?

10 A Yes.

11 Q When the two shoulders hit, you score  
12 more points; correct?

13 A Yes.

14 Q And the aim of all these moves is to have  
15 a person hit with their two shoulders flat on the ground  
16 so you score the most points; correct?

17 A Yes. That doesn't necessarily happen  
18 like that --

19 MR. DORANDO: I'm going to object  
20 here as well just in terms of where this  
21 line of question is leading.

22 A It's all speculation, really. I couldn't  
23 tell you. I wasn't there.

24 Q I'm not asking you to speculate. I'm  
25 just asking you to speak on your years of experience.

1 A Okay, okay.

2 Q So again, to the extent that we're  
3 talking about this, the move, I guess, is designed for  
4 the person to land, if it's planned correctly, is  
5 designed for the person to land -- and the result of  
6 that is you're trying to score points. That's the whole  
7 point of the wrestling; correct?

8 A Yes, but more times than not they don't.

9 Q Well, as a --

10 A They'll roll right through it. They are  
11 not trying to get on their back. The whole reasoning is  
12 not to get on your back; right? So you throw me in a  
13 hip toss, I'm not going to land on my back.

14 Q Well, that's because you're an  
15 experienced wrestler; correct?

16 A Right, but I'm saying you asked me -- you  
17 said is it more often than not that you would land on  
18 your back? No. It's more often than not you land on  
19 your side or you try to get to your stomach.

20 Q And you're referring to people who  
21 actually wrestle or --

22 A Right. That compete.

23 Q That compete. Okay. And these moves  
24 typically when thrown, based on all your years of  
25 experience, don't result in broken ribs; correct?

1                   A        I can't say that.  I've broken fellows'  
2        ribs wrestling on a mat.  It happens more than you  
3        believe.  I mean --

4 Q I'm asking if throwing a hip toss,  
5 right --

6                   A     It depends how you land.  He could land  
7     on his own elbow.  He can land on your hands, and you  
8     land on your hands and you're from your feet and both  
9     your weight and his weight going down at the same time  
10    on your hands on your side, it's going to do damage.  
11    I'm not saying it's going to break every time, but I  
12    have had my opponents broken ribs.

13 Q Let me ask you this. In order to get  
14 good at a move in wrestling, you throw that move  
15 hundreds and hundreds of times in order to make it work?

16 A Yes.

17 Q So any given move, you're throwing it  
18 like in practice you're doing it -- you keep throwing  
19 the move, throwing the move, throwing the move; is that  
20 not correct?

21 MR. DORANDO: Object to form.

22 A I'm sorry. My wife is trying to get  
23 something to eat. What did you say?

24 Q No. I'm just saying to the extent you  
25 want to get good at a move, you have to keep throwing

1       in practice. You do it over and over.

2                   A     Absolutely.

3                   Q     Okay. And so any given move by the time  
4     you do it and you get it right, it's been done hundreds  
5     of times; correct?

6                   A     Yes, but every time it's different, you  
7     know. You just don't know what you're going to  
8     encounter.

9                   Q     Yeah. And I guess of those hundreds and  
10    hundreds of times that you have thrown this move, how  
11    many times has it resulted in broken ribs?

12                  A     One time in a tournament.

13                  Q     So just one time out of a hundred times?

14                  A     Yeah. Well, you know, you're going full  
15    speed in a tournament. I imagine you're going full  
16    speed in a confrontation also.

17                  Q     And when you compete, you're competing  
18    with people from your own weight class; correct?

19                  A     Right.

20                  Q     So do you know how tall Officer Marra  
21    was?

22                  A     He's short. He's a small fellow. I'm  
23    not sure how tall he is. I'm going to say 5'3", 5'4"  
24    maybe, you know, if he's on his tiptoes, I guess. I  
25    don't know. He's a small fellow.

1 Q Do you know approximately how much he  
2 weighed?

3 A One hundred forty-five pounds, maybe, at  
4 the most.

5 Q Mr. McCallion, what do you estimate his  
6 height at?

7 A I don't know. 5'6" maybe, 5'7".

8 Q And what about his weight?

9 A Probably 145, 150 pounds. I'm guessing.

10 Q Mr. McCallion?

11 A Yeah. He's a smaller dude too. He's not  
12 very big.

13 Q When Mr. -- you talked about how after  
14 when you were speaking to Marra and you were, like, how  
15 did that happen? How did, you know, how did this guy  
16 end up breaking his ribs? That's when he told you  
17 about --

18 A I didn't know about that until we got the  
19 report back from the hospital. Honestly, I was taken  
20 back by it. I was like "broken ribs?" And then I heard  
21 it was four broken ribs. I actually got ahold of the  
22 sergeant the next day to make sure they did an upper  
23 body search of all the inmates because now it started --  
24 in my head is like now, why was there screaming going on  
25 in the bathroom? Was he being attacked in the bathroom?

1 Did the inmates, did he owe them money for the drugs he  
2 was taking? Was he fighting in the bathroom as the  
3 officer got there? I didn't know. But they didn't find  
4 anything. They didn't find any marks on any other  
5 inmate. Nothing.

6 Q Okay. So it was your thought that maybe  
7 he had broken his ribs before.

8 A Right. I guess, like it surprised me  
9 that he had those types of injuries.

10 Q Yes. What was done, you're saying you  
11 were surprised?

12 A Yes.

13 Q Okay.

14 A And I was asking what kinds of techniques  
15 did he use? How did he take him to the ground? And  
16 then he explained he bear-hugged him and kind of like  
17 you said, sort of like a hip toss. So that's how -- it  
18 made sense to me. It's possible.

19 Q Okay. Do you know is Officer McCallion  
20 left or right-handed.

21 A I have no idea.

22 Q Did you question Officer McCallion on  
23 how -- I mean, I'm sorry --

24 A Marra. I knew what you were saying.

25 We're good.

1 Q Did you question Officer Marra on how it  
2 was that Mr. McCallion landed face-first on the ground?

3 A No. We just talked about it and it  
4 seemed like he actually went face-first, he said in his  
5 thing, because he got back -- he exposed his back to  
6 him. That's when he started -- we were trying to force  
7 his arms behind his back. That's all I know. But it  
8 makes sense, you know, like you're throwing a toss -- I  
9 mean, there's so many variables as you're throwing. You  
10 can lose your balance. You can take and bump into  
11 something. You know, the sinks are all there. Who  
12 knows? I mean, I wasn't there --

13 Q Let me just -- let me just back up -- I'm  
14 sorry. Are you okay?

15 A Yes. I'm sorry.

16 Q I just got confused there because you  
17 mentioned something about him turning his back and  
18 trying to get his arms.

19 A Well, he -- when he went face down --  
20 when the inmate went face down, the officer was on his  
21 back trying to bring his arms, his hands behind his back  
22 to get the cuffs on him, the restraints on him. So he  
23 was face-first at that point.

24 Q Okay. Do you know how McCallion landed  
25 after the take-down?

1                   A     Just all by what he told me.  He was on  
2     his face, got him face down.

3                   Q     Okay.  But did you question him on how  
4     that happened, I guess?

5                   A     He just said he had a body hold and he  
6     took him to the ground like that.  He got under his, you  
7     know, he leveraged -- he put him to the ground.  He  
8     didn't say specifically, but he said that he was on his  
9     face.  You know, when you lock it up, you know, like I  
10    explained -- my understanding of the mechanics of it,  
11    that's very possible.  When you land on your hands on  
12    your ribs at that momentum from there you and the other  
13    person landing with both body weight, 300 pounds, close  
14    to, landing on a small area like that, it's like landing  
15    on a rock, you know.  It's very possible it could cause  
16    breaking like that, but it still surprises me.

17                  Q     But are you aware that Officer Marra also  
18    said that he landed on Mr. McCallion's side?

19                  A     I have no idea.  All I know is what  
20    I'm -- what I'm surmising.  He said he used body holds  
21    to take him to the ground.  He grabbed him around the  
22    body and leveraged him to the ground.  So I understood  
23    what he was talking about.

24                  Q     Do you see how all of that's inconsistent  
25    with the injury?

1                   A     I don't feel it's inconsistent. I don't  
2     know.

3                   Q     Okay. Can you please explain?

4                   A     Like I said, you have two bodies, 140  
5     pounds to 155 pounds. So you're looking at close to 300  
6     pounds with the momentum of a hip toss, if I say, and  
7     his hands are locked up, and he lands on his side or on  
8     the front side like this (indicating). His hands are  
9     balled up like that under his ribs. All that weight and  
10    that speed hitting those hands, it will do damage. Now,  
11    was I surprised? Yeah, because he never winced or  
12    anything. He just was like wasted, and then we sat him  
13    down in the chair. So I didn't realize his injuries  
14    were as severe as they were. I had no idea.

15                  Q     Are you aware of which ribs that were  
16    broken?

17                  A     Yeah. So it was four ribs on the left  
18    side.

19                  Q     Is that the front or the back of the  
20    ribs?

21                  A     What do you mean "the front of the back"?  
22    I'm assuming --

23                  Q     The front or the back. Your ribs, they  
24    have a front and the back. I'm asking you --

25                  A     Well, yeah, they didn't specify in the

1       medical report, but the ribs wrap right around to your  
2       sternum, so the ribs are all the way from your back to  
3       your chest.

4           Q     So I'm asking you know when you touch  
5       your chest, how you can feel your ribs in the front, and  
6       then if you stick your hands around the back you can  
7       feel them in the back. So I'm asking what was broken,  
8       the ribs towards the front or towards the back?

9           A     They didn't specify. They just say the  
10       seventh, eighth, and ninth rib on the left side were  
11       fractured.

12          Q     The medical records don't specify as  
13       to --

14          A     That's all they say. Seventh, eighth,  
15       and ninth rib on the left side were fractured.

16          Q     Sergeant Coffey, when an incident such as  
17       this transpires, what are the documents that are  
18       generated?

19          A     Use of force, unusual incident,  
20       misbehavior, to-froms, medical report, pictures -- yeah.  
21       Cell searches after the fact to see if we could find  
22       more drugs. All of that's involved.

23          Q     Okay. At this point in time I'm just  
24       going to refer to some of the exhibits. Just give me  
25       one moment.

1 MR. BLACKMAN: Mr. Reporter, we can

2 go off the record for a second?

3 (A discussion was held off the record.)

4 (Whereupon Exhibit 11 was marked for

5 identification, 07/13/23, BDK)

6 EXAMINATION BY MR. BLACKMAN:

7 Q Sergeant Coffey, I'm showing you what's

8 been marked as Exhibit 11. The exhibit is titled

9 Misbehavior Report, and I'll just note for the record

10 that these exhibits were previously admitted in other

11 depositions, so we're just using the same exhibit

12 numbers. Did you get a chance to see the document or

13 can you see the document?

14 A Yes. I'm looking at it.

15 Q Okay. Take a look at it. Are you able

16 to scroll?

17 A Yes.

18 Q So scroll it, take a second, take a look

19 at it, and after you're finished taking a look at it,

20 please let me know.

21 A Okay.

22 Q Okay. Sir, what is that document?

23 A It is a misbehavior report.

24 Q What's the purpose of this document?

25 A To charge the inmate with intoxication

1 and attack on an officer. Let's see what it says. It  
2 says -- yeah. Drug use and intoxication.

3 Q Are you referenced anywhere in this  
4 document?

5 A What's that?

6 Q Are you referenced anywhere in the  
7 document?

8 A I wrote the document. I wrote the -- I  
9 believe this -- yeah. My misbehavior report.

10 Q Okay. So that's your signature affixed  
11 to, it looks like -- okay, that's a second and third  
12 page, or is that just a second page?

13 A Both.

14 Q Okay. And it says here -- it says -- it  
15 says "REPORTED BY," and then it has your name. Let me  
16 be clear.

17 A Yeah. That's mine.

18 Q Let me just for the record be clearer.

19 I'm looking at Exhibit 11, page 2, and I'm looking at  
20 the bottom part of the page where it says "REPORTED BY,"  
21 and it has your name written in that in like a print,  
22 "J. Coffey," and that's referencing you, sir; correct?

23 A Yes.

24 Q And there is your signature; correct?

25 A Yes.

1 Q When it says "reported by," does that  
2 mean that you actually observed these things, or are you  
3 just --

4 A No.

5 Q What does it mean?

6 A Well, some of it in this case is what was  
7 told to me. And in this case, it was the drugs and my  
8 response of when I saw him and how he admitted to doing  
9 K2, and the nurse and I corresponded on it, you know,  
10 the way he was acting lethargic, and his respiration was  
11 crazy, and his blood pressure dropped right out of  
12 sight. We Narcaned him twice -- or she did, and then we  
13 sent him out to the hospital.

14 Q And at the end of this document it has  
15 your signature?

16 A Say that again.

17 Q At the end of the document, is that your  
18 signature?

19 A Yes.

20 Q And I believe it says "AREA SUPERVISOR  
21 ENDORSEMENT"; is that correct?

22 A Yes. That is my signature there.

23 Q And what does that mean?

24 A Just that I endorsed it, that this is my  
25 area.

1 Q And that the things said are accurate as

2 far as --

3 A Absolutely.

4 Q And as you told us before you had done  
5 whatever necessary credibility investigation you needed  
6 to do and you found the things written here to be  
7 correct; is that right?

8 A Yes.

9 Q And you were the supervisor involved in  
10 this incident; correct?

11 A Yes.

12 Q Okay. And so these men were under your  
13 charge, and if they were doing wrongdoing you would have  
14 to stop it if you saw it; correct?

15 A Absolutely.

16 Q Or if you knew about it or should have  
17 known about it, it was also your duty to stop it;  
18 correct?

19 A Absolutely.

20 Q And also those men under your charge to  
21 the extent one had seen another do something wrong, it  
22 was also their job to stop whatever wrongdoing they saw;  
23 correct?

24 A Absolutely.

25 Q And is this also -- so do the medical

1 personnel also sign off on this? Do they sign off on  
2 these misbehavior reports too?

3 A Sometimes they do, but not in this case.

4 Q Why not?

5 A Well, they don't have to. It's just if  
6 they wanted to witness it or whatever. It depends if  
7 they were available to have them sign it or whatever,  
8 you know. There's a lot of variables. Yeah, they can,  
9 but they don't have to.

10 Q Anything else you want to tell me about  
11 this document?

12 A Nope.

13 Q Okay. Let me move onto the next one for  
14 a moment.

15 A Okay.

16 Q Sergeant Coffey, I'm directing your  
17 attention to the exhibit that's now on your screen. It  
18 is titled EBT Exhibit 16 To and From Memo Authored by  
19 Sergeant Coffey. Do you see that exhibit?

20 A Yes.

21 MR. BLACKMAN: Mr. Reporter, can we  
22 go off the record for a second?

23 (A discussion was held off the record.)

24 EXAMINATION BY MR. BLACKMAN:

25 Q Okay. Did you have a chance to take a

1 look at the to and from memo?

2 A Yes.

3 Q Just explain to us what that is, what the  
4 document is that you're looking at.

5 A Looks like it's to Decker from me on  
6 10/28/20. It talks about the incident, how it happened,  
7 and what happened.

8 Q Okay. So fair to say that your immediate  
9 supervisor on the date was Lieutenant Decker?

10 A Yes, must have been. It's right at the  
11 change of shifts so Decker was 11-7 sergeant or  
12 lieutenant, I believe. I can't remember if he was on  
13 both shifts or not. So at that point he probably was.  
14 It was probably late in the night because I think I  
15 worked on this for a while after that incident.

16 Q And so the -- again, the purpose of this  
17 is just to make the lieutenant aware of what happened on  
18 the shift?

19 A Absolutely. Yes.

20 Q Okay. Thank you. Turning to another  
21 document.

22 (Whereupon Exhibit 16 was marked for  
23 identification, 07/13/23, BDK).

24 EXAMINATION BY MR. BLACKMAN:

25 Q Sergeant Coffey, I'm showing you what has

1 previously been marked as EBT Exhibit 5, Photos of  
2 Plaintiff. Are you able to see those images?

3 A Yes.

4 Q Please take a look at them, tell me when  
5 you're finished.

6 A I'm finished.

7 Q Okay. What are those pictures of?

8 A Pardon me?

9 Q What are those pictures of?

10 A Oh, Inmate McCallion and his injuries.

11 It's him in his shorts so we can see from every angle  
12 his injuries.

13 Q Okay. And just at what point in time  
14 this was done? Before or after you spoke to the RN?

15 A This was before the RN. She came in  
16 right around the same time after I was doing this, and  
17 then she took witness of all the injuries. We keep him  
18 in his undershorts so she can see everything also.

19 Q Okay. And again, you took the pictures;  
20 correct?

21 A Yes, I did.

22 Q All right. Thank you. Let me ask you  
23 this. With respect to these pictures, you noted that  
24 they depict injuries; is that correct?

25 A Yes.

1 Q For instance, it depicts the red on the  
2 neck, the reddening on the back; correct?

3 A Yes.

4 Q Okay. To the extent that you took  
5 those -- the discoloration -- and it also shows, I  
6 believe, a colored eye?

7 A Yes.

8 Q To the extent you took those pictures,  
9 you deemed those -- what you saw important; correct?

10 A Yes.

11 Q And you deemed it material to your  
12 investigation or to the incident; correct?

13 A Absolutely.

14 Q Okay. And so did you -- with respect to  
15 the documents that you generated as a result of the  
16 incident you noted these things also; correct?

17 A Yes.

18 Q Okay. With respect to the inmate  
19 misbehavior report that we previously looked at, and let  
20 me just -- I'm going to pull it up for you again.

21 A Okay. This is a different misbehavior  
22 report. This is Marra's misbehavior report.

23 Q I'm not questioning -- hold on a second.  
24 I didn't question. Hold on.

25 A Yeah. This is the same misbehavior --

1 the one I wrote, and it is Hart.

2 Q Did you get -- were you able to -- are  
3 you able to identify where the references of injuries  
4 that -- in this report here?

5 A No. I don't see anything to do with the  
6 injury, but, of course, this is about alcohol and drug  
7 use. So we were talking about the drugs at the time for  
8 what -- the appearance of slurred speech, pale skin,  
9 respiration, his blood pressure dropped off to 50, the  
10 Narcan, so yeah.

11 Q Should those things have been in the  
12 report?

13 A No. It doesn't support anything to do  
14 with the charges. No drug use or alcohol or intoxicant.  
15 That has nothing to do about this. It was in use of  
16 force and the UI. The medical reports would be in  
17 there, not in the misbehavior.

18 Q Wouldn't that go to the extent you're  
19 describing the exercise of force, wouldn't that go to --  
20 wouldn't that go to illustrating whether or not the  
21 officer acted appropriately and to what extent the  
22 inmate was misbehaving?

23 MR. DORANDO: Objection.

24 A No. That's a whole different thing.

25 That's Marra's -- it has nothing to do with his drug use

1 or alcohol. Nothing. That's two separate things. It's  
2 not relevant.

3 MR. BLACKMAN: All right. I'm going  
4 to -- I think I'm about done. Let me  
5 just look over some notes, and we can  
6 wrap it up. Just give me a minute, guys,  
7 and we can wrap this up. I'm just going  
8 to go check in on Kreg Jackson. I'll be  
9 back in a minute.

10 (Whereupon a brief recess was taken.)

11 EXAMINATION BY MR. BLACKMAN:

12 Q All right. Sergeant Coffey, are you  
13 aware that Mr. McCallion had made further allegations  
14 against corrections officers using excessive force  
15 against him on November 5th, 2020?

16 MR. DORANDO: Objection to form. Go  
17 ahead.

18 A I heard through the grapevine there was  
19 some kind of accusation made, but I didn't know who was  
20 involved.

21 Q What do you know about that accusation?

22 A Nothing, nothing at all.

23 Q So I guess -- well, what did you hear?  
24 You said you heard through the grapevine there was an  
25 accusation.

1 A That he alleged that he was assaulted,  
2 and that was it.

3 Q Okay. Do you know by whom he alleged  
4 that he was assaulted?

5 A No.

6 Q Are you familiar with Kreg Jackson?

7 A Yes.

8 Q Who is Kreg Jackson?

9 A He's an officer. I'm not sure if he  
10 worked midnights or what shift he works. I'm not sure.  
11 He's not one of my regular officers.

12 Q Okay. But he would have been your  
13 subordinate?

14 A If he worked in my area, yes.

15 Q But if there are corrections officers in  
16 other areas that you interact with, are they not still  
17 your subordinate?

18 A Yes, they are. If I interact, if I have  
19 to be there, but in my areas -- he wasn't my regular  
20 officer. He was not one of the regular officers in my  
21 area. He would be resource or something like that. He  
22 was there hit and miss. I know who he is though. Yes.

23 Q Okay. What about Weidner?

24 A Yes. I know him. I knew his father. I  
25 worked with his father. He used to work SA2, the

1 special housing unit, but that's all I know. I don't  
2 know much about him.

3 Q So you were familiar with Mr. Weidner's  
4 father also? You said he worked corrections?

5 A Yes. He retired. He got in about the  
6 same time. Back in '89 he got in.

7 Q So Mr. Weidner is a legacy. You would  
8 know the father, and now you would know his son?

9 A Yes.

10 Q Was he also your subordinate?

11 A Well, like I said, if I was in the SHU  
12 area, yes, he was my subordinate.

13 Q Who was their direct supervisor,  
14 Kreg Jackson and officer Weidner's?

15 A It would be the program sergeant  
16 unless -- it depends on which shift it happened. If  
17 it's on midnights, it's charge sergeant. If it happens  
18 during the day and the afternoon shift, Tour 1 -- or  
19 Tier 2 and Tier 3, that would be the program sergeant.  
20 I was housing. I was a housing sergeant.

21 Q And as sergeants, do you all interact?

22 A Yes. We talk. We have lunch together or  
23 whatever, see what's going on.

24 Q Do you all have --

25 A Go ahead.

1 Q Do you all have regular meetings to  
2 discuss goings-on?

3 A Yes. Supervisor meetings. Yes, we do,  
4 but we converse anyways, you know. We work the mess  
5 halls together. There's different times and points of  
6 the day that we -- we hook up. And it's a lot of times  
7 like if their workload is crazy, if they have a lot  
8 going on, I try to help out and vice versa. They try to  
9 help me out.

10 Q Okay. Thank you. Just one moment.

11 MR. BLACKMAN: Sergeant Coffey,  
12 thank you so much. I appreciate your  
13 time.

14 THE WITNESS: Yes. Thank you. I  
15 appreciate it.

16 THE REPORTER: All right. So before  
17 we go off the record, I have to ask about  
18 billing. Mr. Blackman, is this a pay and  
19 provide to Mr. Dorando?

20 MR. BLACKMAN: I'm sorry. I didn't  
21 hear one word you said. Can you say that  
22 one more time?

23 THE REPORTER: I have to ask about  
24 the billing. Is this a pay and provide  
25 to Mr. Dorando?

1 MR. BLACKMAN: I actually have no  
2 idea. I'll have to get back to you guys  
3 on that. I have no idea. I don't know  
4 what's been worked out with Mr. Dorando  
5 and the officers. Can I get back to you  
6 to that one?

7 THE REPORTER: Yes.

8 MR. BLACKMAN: Okay.

9 (Whereupon the witness was excused at  
10 1:53 p.m.)

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## 1 CERTIFICATE OF REPORTER

2

3

4

5 I, Benjamin D. Knights, hereby certify that  
6 the foregoing proceedings were taken before me at the  
7 time and place therein set forth;

8

9 That the proceedings were taken down  
10 stenographically by me and thereafter formatted into a  
11 full, true, and correct transcript of same;

12

13 I further certify that I am neither counsel  
14 for nor related to any parties to said action, nor in  
15 any way interested in the outcome thereof.

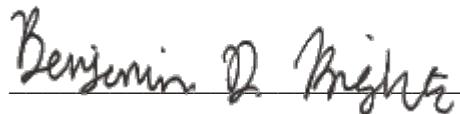
16

17

18 DATED this 8th day of August, 2023.

19

20



21

Benjamin D. Knights

22

Court Reporter

23

24

25

1

## A C K N O W L E D G E M E N T

2

3

4

5 I hereby certify that having been first duly sworn  
6 to testify to the truth, I gave the above testimony on 7/13/23.

7

8 I FURTHER CERTIFY that the foregoing transcript is  
9 a true and correct transcript of the testimony given by  
10 me at the time and place specified.

11

12

13

14

15

---

JOSEPH M. COFFEY

17

18 Subscribed and sworn to before me  
19 this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

20

---

Notary Public

22

23

24

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## 1 E R R A T A S H E E T

2 Deponent: JOSEPH M. COFFEY

3 Deposition Date: July 13th, 2023

4

5 PAGE LINE CHANGE FROM/TO REASON FOR CHANGE

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17 Under penalties of perjury, I declare that I have  
18 read the foregoing deposition and hereby affix my  
signature that same is true and correct, except as noted  
above.

19

20 \_\_\_\_\_

21 JOSEPH M. COFFEY Date

22 Subscribed and sworn to before me

23 this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

24 \_\_\_\_\_

25 Notary Public

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